

*Leave Of Absence**Friday, May 09, 2008***HOUSE OF REPRESENTATIVES***Friday, May 09, 2008*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence from sittings of the House: the hon. Paula Gopee-Scoon, Member of Parliament for Point Fortin, from today's sitting of the House; the hon. Mr. Jack Warner, Member of Parliament for Chaguanas West, for the period May 06 to May 24, 2008; the hon. Anthony Roberts, Member of Parliament for St. Ann's East from today's sitting of the House; and the hon. Kelvin Ramnath, Member of Parliament for Couva South for the period May 09 to May 18, 2008. The leave which these Members seek is granted.

JOINT SELECT COMMITTEES**(APPOINTMENT OF)**

Mr. Speaker: Hon. Members, I have received communication from the President of the Senate dated May 07, 2008. It is addressed to the Speaker, and the reference is "Appointment of Joint Select Committees—Section 66A of the Constitution", and it reads as follows:

"Your letter of March 17, 2008 refers. A copy is attached for ease of reference.

Please be informed that at a Sitting of the Senate held on Tuesday May 06, 2008 the Senate considered the following Motion:

WHEREAS Section 66A of the Constitution makes provision for the establishment of Joint Select Committees of Parliament to inquire into and report to Parliament on the administration, manner of exercise of their powers, methods of functioning and on any criteria adopted in the exercise of their powers and functions by:

- A) Government Ministries;
- B) Municipal Corporations;
- C) Statutory Authorities;

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- D) Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of its total income in any one year; and
- E) Service Commissions with the exception of the Judicial and Legal Service Commission.

BE IT RESOLVED that the Senate appoint six (6) Members to serve with an equal number from the House of Representatives to inquire into and report to Parliament on Service Commissions with the exception of the Judicial and Legal Service Commission on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

AND BE IT FURTHER RESOLVED that the Senate also appoint six (6) Members to serve with an equal number from the House of Representatives to inquire into and report to Parliament on Municipal Corporations and Government Ministries/Statutory Authorities/Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year.

The Motion was approved with the following amendments:

1. First resolution, third line:
Insert between the words 'on' and 'Service' the words 'Municipal Corporations and'.
2. Second resolution, third line:
Delete all the words from 'Municipal' to the end and insert the following:
'Government Ministries (Part I) and all Statutory Authorities/Enterprises falling under these Ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year'.
3. Add a third resolution to read:
'And be it further resolved that the Senate also appoint six (6) Members to serve with an equal number from the House of Representatives to inquire and report to Parliament on Government Ministries (Part II) and all Statutory Authorities/Enterprises falling under these Ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year'

- a. The terms 'Part I' appearing in the second resolution and 'Part II' appearing in the third resolution refer to the attached list.

The amended Motion approved by the Senate is as follows:

WHEREAS Section 66A of the Constitution makes provision for the establishment of Joint Select Committees of Parliament to inquire into and report to Parliament on the administration, manner of exercise of their powers, methods of functioning and on any criteria adopted in the exercise of their powers and functions by:

- A) Government Ministries;
- B) Municipal Corporations;
- C) Statutory Authorities;
- D) Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of its total income in any one year; and
- E) Service Commissions with the exception of the Judicial and Legal Service Commission.

BE IT RESOLVED that the Senate appoint six (6) Members to serve with an equal number from the House of Representatives to inquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

AND BE IT FURTHER RESOLVED that the Senate also appoint six (6) Members to serve with an equal number from the House of Representatives to inquire into and report to Parliament on Government Ministries (Part I) and all Statutory Authorities/Enterprises falling under these Ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year:

AND BE IT FURTHER RESOLVED that the Senate also appoint six (6) Members to serve with an equal number from the House of Representatives to inquire and report to Parliament on Government Ministries (Part II) and all Statutory Authorities/Enterprises falling under these Ministries and owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year.

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The list of Ministries falling under Part I and Part II is attached as an Appendix.

This matter is forwarded for the attention of the House.

Yours respectfully,

Senator the Hon. Danny Montano

President of the Senate”

PAPERS LAID

1. The annual audited financial statements of Trinidad and Tobago Mortgage Finance Company Limited for the financial year ended December 31, 2006. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. The annual audited financial statements of Taurus Services Limited for the financial year ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]
3. The annual report of the Heritage and Stabilisation Fund for the period ended September 30, 2007. [*Hon. K. Nunez-Tesheira*]

Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.

To be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I know that some matters are being discussed with respect to the manner of answering questions, but until that is resolved, which I expect to be resolved very soon, and subject to your ruling, of course, the Government is in a position to answer questions Nos. 104, 117, 122, and 127 today, and we would ask for a deferral of two weeks for the other questions.

The following questions stood on the Order Paper:

Prime Minister's Visit to Jamaica (Cost of)

- 118.** Could the hon. Minister of Finance state:
- A. What was the cost to the state for the Prime Minister to travel to Jamaica by private jet on or around March 19, 2008?
 - B. What was the purpose of this visit to Jamaica? [*Mr. J. Warner*]

**Chaguanas Magistrates' Court
(Functioning of)**

- 119.** Could the hon. Attorney General advise when will the Chaguanas Magistrates' Court become functional in the premises rented by Government on Ramsaran Street, Chaguanas? [*Mr. J. Warner*]

**Home Improvement Grants
(Details of)**

- 121.** With regard to the Home Improvement Grants, could the hon. Minister of Planning, Housing and the Environment state:
- (a) the number of persons, according to parliamentary constituency, who have applied for grants in 2007 and 2008;
 - (b) the number of persons, according to parliamentary constituency, who have been given grants in 2007 and 2008;
 - (c) the sum of money given in grants, according to parliamentary constituency in 2007 and 2008; and
 - (d) the criteria and procedure used to determine the giving of grants? [*Mrs. K. Persad-Bissessar*]

**De-shifting of Schools
(Details of)**

- 123.** Could the hon. Minister of Education state:
- (a) the schools which have been de-shifted together with the date of de-shifting of each school; and
 - (b) the estimated and actual costs of de-shifting of each school mentioned in (a) together with a breakdown of expenditure for each in the areas of (i) construction (ii) equipping (iii) furnishing and (iv) any other costs? [*Mrs. K. Persad-Bissessar*]

Questions, by leave, deferred.

**University of Trinidad and Tobago
(Details of)**

- 104. Dr. Tim Gopeesingh** (*Caroni East*) asked the hon. Minister of Science, Technology and Tertiary Education:
- Could the Minister state why has the University of Trinidad and Tobago been incorporated as a company and not by an Act of Parliament?

The Minister of State in the Ministry of Science, Technology and Tertiary Education (Hon. Fitzgerald Jeffrey): Mr. Speaker, thank you very much. In April 2003, a steering committee was appointed by Cabinet to draft a proposal for the development of the University of Trinidad and Tobago (UTT). The committee's terms of reference included the conduct of market surveys to determine demand over a 10-year period for tertiary graduates in various sectors. In 2004, following the report of the steering committee, Cabinet agreed to the establishment of the UTT by incorporation under the Companies Act, as an interim measure, until its incorporation by an Act of Parliament.

The UTT was incorporated as a private non-profit company under the Companies Act, Chap. 81:01, on September 14, 2004. It was felt that incorporation as a non-profit company would, in the interim, allow the institution to be more responsive to the changing requirements of a new university.

The UTT has submitted to the Ministry of Science, Technology and Tertiary Education a draft Bill for the incorporation of UTT by an Act of Parliament. The recommendations are based on extensive research into various models employed by leading universities throughout the world, and the draft UTT Bill incorporates many best practice guidelines. The document captures the essence of the mission and vision of the university, espouses its values and principles as a teaching, research and examining body with various functions, and outlined the operational framework of the institution's two arms: the academic body and the corporate body.

Mr. Speaker, thank you.

Mr. Speaker: Supplemental?

Dr. Gopeesingh: Would the hon. Minister be kind enough to indicate why it has taken more than four years? The incorporation from the private non-profit company to an incorporation is still not before Parliament. Could the Minister give us an idea when the UTT incorporation will be brought to Parliament? Could the Minister give the national community an answer to that? This has been promised four years now.

Hon. F. Jeffrey: We recognized that establishing the calibre of the UTT takes time. There is precedent by several leading universities around the world. [*Desk thumping*] I do not think that the UTT's position as a non-profit institution is a cause for concern.

Dr. Gopeesingh: Could the Minister confirm whether the funds expended by the UTT are not under the supervision of the Auditor General?

Hon. F. Jeffrey: Mr. Speaker, I am not in a position to answer this question at this point in time. I will be happy to answer that question on a subsequent occasion.

**Bombardier Executive Jet
(Details of)**

117. Mr. Ramesh Lawrence Maharaj SC (*Tabaquite*) on behalf of Mr. Jack Warner (*Chaguanas West*) asked the hon. Minister of Finance:

With regard to the Bombardier Executive Jet, could the hon. Minister please state:

- (a) how much was paid in legal fees to lawyers and/or consultants negotiating for Caribbean Airlines with Bombardier over the purchase of the Global Express Jet;
- (b) whether or not a consultant was used to evaluate the jet purchase, and if so how much was he/she paid;
- (c) whether there is any penalty to Caribbean Airlines for not going through with the purchase of the jet after a deposit of US \$500,000 was paid to Bombardier;
- (d) how much was lost due to foreign exchange rates changes in terms of the funds deposited into the accounts of Caribbean Airlines; and
- (e) whether Caribbean Airlines negotiated with Aero Toy with respect to the purchase of the Global Express Bombardier jet?

The Minister of Finance (Hon. Karen Nunez-Tesheira): Mr. Speaker, the sum of US \$26,383.50 was paid to Caribbean Airlines Limited, US Aviation Council, DLA Piper, US, LLP.

External consultants were not retained by Caribbean Airlines Limited to evaluate the jet purchase. However, a comparative analysis was conducted by a comprehensive team comprising Caribbean Airlines senior management with technical financial and legal expertise.

There were no penalties, and the deposit was returned to Caribbean Airlines in full. There were no foreign exchange loses as the funds were deposited into Caribbean Airlines US dollar account and returned without conversion.

There were no negotiations between Caribbean Airlines and Aero Toy. Caribbean Airlines understands that Aero Toy had advertised on its website the

sale of a similar aircraft for a price of approximately US \$68 million. It is not known whether this more expensive aircraft was owned by Aero Toy or being sold by Aero Toy on behalf of another party.

1.45 p.m.

**Ministry of Education
(Total Costs of Advertisements)**

122. Mrs. Kamla Persad-Bissessar (*Siparia*) asked the hon. Minister of Education:

Could the Minister state:

- (a) the total cost of advertisements placed by or on behalf of the Ministry in the media (print and electronic) in 2007 and 2008 and the amounts paid to each media house for same;
- (b) whether any agent(s) were utilized by or on behalf of the Ministry with respect to any of the advertisements; and
- (c) if the answer to (b) is in the affirmative, the name(s) of the agent(s) and the amount(s) paid to each agent.

The Minister of Education (Hon. Esther Le Gendre): Mr. Speaker, the Ministry of Education in pursuit of its mission to lead the modernization and renewal of the system of education has been undertaking since 2002, a comprehensive reform of the education system throughout the eight educational districts in Trinidad and Tobago.

Under this reform, several new initiatives and programmes have been introduced which required extensive communication with stakeholders in the national community. [*Crosstalk*] I am assuming that the Members on the other side are interested in the response, which they sought.

Mrs. Persad-Bissessar: We are very interested. So far, it is not relevant to the question. [*Crosstalk*]

Hon. E. Le Gendre: So, you will come on board a little while after. A public awareness campaign was developed and has been supported in part through loan funding of \$4.2 million by the Inter-American Development Bank. To achieve the objectives of the campaign, the Ministry mainly engaged the services of print, television and radio advertising.

Within the Ministry of Education, several new units have been established to support various reform initiatives within the Ministry. This required public advertisement of related job vacancies. Additionally, the Ministry initiated a major school construction and repair programme, which required communication with all stakeholders. The print and broadcast media was selected as most effective in reaching the national community. The Communications Unit of the Ministry develops all advertising strategy and undertakes the bulk of design work internally. Additionally, any further form of information dissemination, whether print or broadcast required, is undertaken by the Communications Unit of the Ministry of Education.

The advertising expenditure of the Ministry of Education for the print and electronic media for the period January to December 2007 amounted to \$5,956,502.40. This figure includes both placement and production costs for print and audio-visual material not produced internally. Advertising expenditure in the print and electronic media for the period January to March 2008 amounted to \$3,129,976.20.

Mr. Speaker, the following tables, which I would have to read from, list each media house and the amount paid to each for the period January to December 2007 and for the first quarter of 2008.

TABLE I			
January—December 2007			
No.	Type	Name of Media House	Placement/ Insertion Costs \$
Radio			
1		91.1 Talk City	17,250.00
2		96.1 W.E. FM	6,210.00
3		Central Broadcasting Services Limited	9,629.43
4		Citadel	113,311.80
5		Family Focus	29,391.70
6		Heartbeat 103.5 FM	3,477.60
7		Innercity Broadcasting Company T&T Limited (107.1)	9,108.00

January—December 2007			
No.	Type	Name of Media House	Placement/ Insertion Costs \$
Radio			
8		Radio Trinbago	5,865.00
9		Radio Vision Limited	121,881.00
10		Telemedia Limited (97.1)	11,481.60
11		Trini Bashment Limited	2,070.00
12		Trinidad Broadcasting Limited	421,424.08
13		United Cinemas Limited (103.1)	6,624.00
14		VL Communication Limited (94.7)	26,404.00
Television			
1		Cable News Channel 3	52,410.00
2		Caribbean New Media Group Limited	778,412.00
3		CCN TV 6	983,250.00
4		Gayelle Limited	125,117.70
5		Synergy Entertainment Network Limited (incurred in 2006)	9,292.00
6		T.V. Channel 4 & 16 (incurred in 2006)	8,625.00
7		Win TV Limited	45,000.00
8		Video Associates	143,750.00

Remember we said earlier that the cost related to print and production.

Print			
1		Blast Productions Limited	24,129.30

January—December 2007			
No.	Type	Name of Media House	Placement/ Insertion Costs \$
Print			
2		Caribbean Sports Specialists (incurred in 2006)	10,927.50
3		Latin America & the Caribbean in Focus	69,492.02
4		Lonsdale Saatchi & Saatchi Advertising Limited (incurred in 2006)	47,227.00

And here is your favourite paper, hon. Member for Oropouche East. [*Crosstalk*]

5		Newsday Daily News Limited	936,131.06
6		T&T News Centre	9,087.88
7		Trinidad Express—Just slightly over your favourite paper, Sir—	1,110,517.12
8		Trinidad Publishing Company Limited— Less than your favourite paper, Sir [<i>Interruption</i>] but none like your real favourite—	726,690.67
9		Yearbook Caribe	42,045.84
10		Zenith Services Limited—Keep that in mind, Member for Siparia—	59,570.00
TOTAL			5,956,502.40

TABLE II			
January—March 2008			
No.	Type	Name of Media House	Placement/ Insertion Costs \$
Radio			
1		96.1 W.E. FM	5,520.00
2		Radio Trinbago	11,643.75

January—March 2008			
No.	Type	Name of Media House	Placement/ Insertion Costs \$
Radio			
3		Radio Vision Limited	22,540.00
4		Trinidad Broadcasting Limited	5,520.00
5		WMJX Limited	7,475.00
Television			
1		Cable News Channel 3	163,771.50
2		Caribbean New Media Group Limited	778,383.25
3		CCN TV6	1,007,572.50
4		Gayelle Limited	129,375.00
5		Win TV Limited	93,600.02
6		Video Associates	63,422.50
7		National Carnival Commission Television	55,200.00
Print			
1		Blast Production Limited	9,338.00
2		Lonsdale Saatchi & Saatchi Advertising Limited	81,361.93
3		Newsday Daily News Limited	159,610.80
4		Trinidad Express	167,589.27
5		Trinidad Publishing Company Limited	405,589.40
6		Yearbook Caribe (incurred in 2006)	16,463.40
7		Youth Voices Publishing Company	7,000.00
TOTAL			3,192,976.20

- (b) As needed in the short term, the Ministry has utilized agencies and freelancers to support specific activities.

- (c) The list of agencies that provided advertisement, audio-visual production and print communication support to the Ministry's Communications Unit in 2007 and in the first quarter of 2008, and the amount paid, is as follows:

TABLE I			
January—December 2007			
No.	Type	Agents	Amount Total
Radio			
1		Kerry Gibbons	13,500.00
2		Owen Wight Productions Limited	149,999.95
3		Absolutions Design Studio Limited	31,960.00
4		Advance Dynamics (incurred in 2006)	16,215.00
5		Cathy Ann Hobson	4,000.00
6		Colin Matthews	24,600.00
7		Double Workshop	6,440.00
8		Gabriel Woodham	33,200.00
9		Junia Browne	41,055.00
10		Kerry Gibbons (incurred in 2005)	13,500.00
11		Kimberly Snaggs	3,300.00
12		Marlon Rouse (incurred in 2006)	2,500.00
13		Media Planners & Consultants Limited	801,872.53
14		Michael Ramoutar	1,080.00
15		Phillip Fredericks Photography	14,310.00
16		Savant Limited	68,724.00
17		Victor Granderson (incurred in 2006)	1,000.00
TOTAL			1,227,256.40

2.00 p.m.

Mr. Speaker, Table II outlines cost incurred by agencies, freelancers or other agents to support specific activities as follow:

TABLE II			
For the Period January – March 2008			
1		Advance Dynamics	38,025
2		Gabriel Woodham (incurred in 2008)96.1	8,000
3		Junia Browne (incurred in 2008)	3,680
4		Savant Ltd	68,724

Dr. Moonilal: Would the Minister indicate whether the glaring absence from your list of preferred media houses of the *Probe Newspaper* and Radio Shakti 97.5FM is a result of your Ministry's perception of their readership and listenership, respectfully.

Hon. E. Le Gendre: The choice of media used by any professional organization is based on audience reach. It is a matter of record that *The Guardian*, for instance, or the *Newsday*, which is your favourite newspaper and the largest in circulation, reaches everybody that *The Probe* reaches, so there is no need to go back to *The Probe* if you are already covered in a newspaper like the *Newsday*. It is all about reach. We absolutely use those who have proven reaches and audiences that we would like to speak to.

Mrs. Persad-Bissessar: Would the Minister be able to tell us who makes the decision as to the placement of these ads in the newspapers or on the radio?

Hon. E. Le Gendre: As always, the decision as to where we place advertisements is a decision of the Ministry's Communication Unit.

Mrs. Persad-Bissessar: Would the Minister be able to tell us the process employed by that unit?

Hon. E. Le Gendre: As you should be aware, Member for Siparia, being in this position before, the process for placement of advertising undertaken by any unit is that you decide who you want to reach and what media gives you the best opportunity to reach those persons. These processes, I imagine, are the same anywhere you might go.

Mrs. Persad-Bissessar: Would the Minister be able to tell us why only two production houses or advertising agents, I think it was Lonsdale and Video

Associates, were mentioned here? In other words, we come back to the process. Why were only two selected?

Hon. E. Le Gendre: This is not a matter of process. Let us get back to the basis of your question. There is a tendering process. As with any undertaking, you put out the scope of works for your service, persons respond and you choose for both quantitative and qualitative measures. After a while you develop an understanding with a particular company; you are familiar with its prices, those persons are invited back, they have a sense of your organization, so there is nothing to be gained by sending your work through 10 different organizations, when you are really trying to achieve a consistency of image, of presentation, of someone who understands your work.

If the Member has any other questions we will be happy to take them, but we could go on like this for hours.

Secondary Entrance Assessment (Details of)

127. Mrs. Kamla Persad-Bissessar (*Siparia*) asked the hon. Minister of Education:

With regard to the Secondary Entrance Assessment (SEA), could the Minister state:

- (a) the total number of students who wrote the examinations in 2006, 2007 and 2008;
- (b) the number of students who scored (i) less than 30% and (ii) less than 50% in the 2006 and 2007 examinations, according to education district;
- (c) what steps have been taken to reduce the numbers of children scoring less than 50% in the examination; and
- (d) what steps have been taken to address the educational needs of children who enter into secondary schools with scores less than 50% in the examinations?

The Minister of Education (Hon. Esther Le Gendre): Mr. Speaker, the Secondary Entrance Examination was introduced in 2001 replacing the Common Entrance Examination, which was introduced in 1960 as a means of increasing access to secondary education in Trinidad and Tobago.

Prior to 1960, entrance to secondary school was gained through individual entrance examinations which were constructed and administered by the respective secondary schools. This first CEE, as it was called, was a standardized test in creative writing, mathematics and language arts, and was administered by Princeton University of the United States. In 1982, the CEE was expanded to include science and social studies. Four of the five subjects were tested using multiple choice test format; however, in 1998, the task force for the removal of the CEE recommended that social studies and science should be removed from the tests because they were inadequately tested. These subjects were removed from the exam in the year 2000, and universal secondary education was achieved in the same year.

In 2001, the SEA was introduced as a means of assessment to facilitate placement at the secondary level. It examined creative writing, mathematics and language arts using the open response, and short answer format. The total number of students who wrote the SEA Examination 2006, 2007 and 2008 is as follows: In 2006, 18,719 students; in 2007, 17,804 students; in 2008, 17,936 students.

With the introduction of universal secondary education in the year 2000, although in keeping with world trends, this created several challenges to the system. It was reported that many children who were placed in secondary institutions at that time were not adequately prepared for that level and many of the teachers were unable to cope with the demands of remedial instruction along with their other subject areas.

The Ministry of Education, as it reviewed its policies and programmes, evaluated the performance of students and the readiness of teachers to serve this population, and introduced a number of initiatives to improve the situation. For example, programmes to assist the teachers with teaching students with learning difficulties, as well as teachers specially assigned to teach those students with remedial needs were introduced. It was found, however, that despite these initiatives, the impact on student performance was not being realized, as many of the problems originated at the primary school level. Further action was, therefore, taken to better facilitate student learning and teacher preparation in the primary school.

In 2007, it was decided that students under the age of 13 years who scored less than 30 per cent and below at the SEA would be required to repeat a year at the primary school level.

At the primary level, the Ministry of Education reports student performance at the SEA in four categories. The category 90 per cent and above demonstrates

outstanding performance; 60 per cent and above indicates above average performance; students who have attained between 60 and 30 per cent are identified as potentially in need of extra help at secondary school, while the category 30 per cent and below identifies those students who would need remedial work to be able to cope fully with the secondary school experience.

Information on students scoring 30 per cent and below 60 per cent is provided. The percentage of students scoring less than 60 per cent nationally for 2006 and 2007 are 42.4 per cent and 47.7 per cent, respectively. *[Interruption]*

Thank you.

Mrs. Persad-Bissessar: I have not heard anything with respect to Part (b) of the question, the number of students who scored less than 30 per cent. I did not hear that answer.

Hon. E. Le Gendre: My apology, I skipped that page. *[Crosstalk]*

Mr. S. Panday: "Yuh make yuh 30 per cent!"

Hon. E. Le Gendre: The Table reads by district, the total entered, the number scoring below 30 per cent for 2006 and the same progression for 2007.

In the Caroni district, in the year 2006, the number of students entered, 2,839; number scoring 30 per cent and below, 256; percentage, 9. In the same district in the year 2007, the total entered, 2,709, number scoring below 30 per cent, 316; percentage, 11.7.

In the North Eastern district in 2006, total entered 162, number scoring below 30 per cent, 193, percentage, 18.2. In 2007 for the same North Eastern district, number taking the examination, 953, number scoring 30 per cent and below, 187, percentage, 19.6.

In Port of Spain the number of students entered in 2006, 3,505, scoring below 30 per cent, 494, percentage, 14.1; in 2007, 3,346, number scoring below 30 per cent, 520, percentage, 15.

St. George East, in 2006 total entered, 4,298, number scoring below 30 per cent, 355, percentage, 8.3; in 2007, number entered, 4,054, number scoring 30 per cent and below, 552, percentage, 13.6.

St. Patrick, total entered 2006, 1,911, scoring below 30 per cent, 155, percentage, 80.1; total entered in 2007, 1,819, number scoring below 30 per cent, 241, percentage, 13.2.

South Eastern, number entered in 2006, 1,543, number scoring below 30 per cent, 172, percentage, 11.1; in 2007, total entered, 1,455, number scoring below 30 per cent, 195, percentage, 13.4.

Victoria district, total entered 2006, 2,672, numbers scoring 30 per cent and below, 193, percentage, 7.2; in 2007, number entered, 2,634, number scoring below 30 per cent, 244, percentage, 9.3.

Tobago, number entered 2006, 889, number scoring below 30 per cent, 114, percentage, 12.8; in 2007 for Tobago as well, total entered, 834, scoring below 30 per cent, 150, percentage, 18.

The total number of students for 2006, 18,719; the total number scoring below 30 per cent, 1,932; the average percentage of students, 10.3 per cent; in 2007, 17,804, total scoring below 30 per cent, 2,405; overall percentage, 13.5.

WRITTEN ANSWERS TO QUESTIONS

Mr. Sharma: Mr. Speaker, I want to enquire about questions for written answers, we have not had the answers for five weeks now.

Mr. Speaker: That is true. We have 18 questions for written answers. Again, for the umpteenth time, may I appeal to Ministers; you have written questions on the Order Paper. Some have been there since February and December; there is no excuse really for written questions on the Order Paper for that length of time not being answered. Again, I am appealing to Ministers to have answers for your written questions. Those questions that have not been answered today, the four of them will be deferred for two weeks.

2.15 p.m.

DEFINITE URGENT MATTER (LEAVE)

CAPE Examination Papers (Leakage of)

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, in accordance with Standing Order No. 12 of the House of Representatives, I hereby seek your leave to move the Adjournment of this House for the purpose of discussing a definite matter of urgent public importance, namely, the leakage of CAPE examination papers prior to the writing of the exam.

The matter is definite as it pertains to the specific issue of CAPE examination papers getting into the hands of students prior to the exam being held.

Definite Urgent Matter

Friday, May 09, 2008

The matter is urgent, having come to public knowledge only yesterday and in the circumstances where students are about to write other examinations.

The matter is of public importance since it affects thousands of students whose future depends on the results of these said examinations.

Mr. Speaker: I am satisfied that this matter qualifies. [*Desk thumping*] Is leave of the House given for this matter to be discussed?

Assent indicated.

Mr. Speaker: This matter would be stood down to 6.00 p.m.

ARRANGEMENT OF BUSINESS

Mr. Speaker: Hon. Members, it is my understanding that the Prime Minister would like to make a statement at 4.00 p.m. So with the leave of the House, can we agree that the Prime Minister will make a statement at 4.00 p.m.?

Agreed to.

PENSIONS (AMDT.) (NO. 2) BILL

Bill to amend the Pensions Act, Chap. 23:52. [*The Minister of Public Administration*]; read the first time.

TEACHERS' PENSIONS (AMDT.) BILL

Bill to amend the Teachers' Pensions Act, Chap. 39:02. [*The Minister of Public Administration*]; read the first time.

ASSISTED SECONDARY SCHOOL TEACHERS' PENSIONS (AMDT.) BILL

Bill to amend the Assisted Secondary School Teachers' Pensions Act, Chap. 39:03. [*The Minister of Public Administration*]; read the first time.

CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL

[Third Day]

Order read for resuming adjourned debate on question [April 18, 2008]:

That the Bill be now read a second time.

Question again proposed.

Mr. Subhas Panday (*Princes Town North*): Mr. Speaker, the Bill before this honourable House is to provide for the implementation by the Government of the Republic of Trinidad and Tobago of the Agreement Establishing the Seat of the

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Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission.

Mr. Speaker, this court has been established, the seat has been established for some time, the court has already been sitting for some time and they wait until 2008 to bring a Bill of this nature at this time. One would have thought we would have debated this Bill and got it out of the way, instead, we have been sitting in this Parliament for over one month trying to debate this Bill and going nowhere.

Mr. Speaker, we have more pressing things on the agenda, for example, crime; the murder rate is one hundred and sixty-something now. A Motion was brought to discuss crime, there was one debate on it and it was put on the back burner. These are things we should be discussing. People are reeling under the pressure of high food prices. Why do they not discuss those matters? Instead they come here today to discuss the CCJ which has been up and running for over two or three years.

Mr. Speaker, we should be discussing things like the crisis in the Government, corruption in Government and the corruption in UDeCott. Although the hon. Member for Diego Martin West does not want to shake the PNM, he has said there is no Cabinet oversight, but what he is really saying is that they are thieves. There is corruption and they are thieves and I think a topic like that should have been brought to the House and debated. That is such an important issue because millions of dollars are going down the drain in corruption and nepotism and we come here today to talk about establishing the seat of the Caribbean Court of Justice when that has already been established.

Mr. Speaker, in any event, I had prepared on previous occasions an academic argument. I have studied all the various critiques dealing with the CCJ, I had looked at the arguments of the proponents of the CCJ and the proponents claim that the establishment of this court, the seat of which we are trying to give legislative effect to is a necessary symbol, the capstone of sovereignty which demands a final separation from our colonial past, a determinative role in furthering the development of Caribbean jurisprudence, a step in the deepening of the regional integration process. Those were the aspects of the Bill I wanted to deal with and to show the people who were claiming the importance of the CCJ, that that argument no longer holds. We are now in a global village. When they speak of sovereignty, maybe at that time it was good, but sovereignty today is not as critical in the civilized society that is protecting the rights of the people.

Mr. Speaker, Zimbabwe is an example; they did away with the Privy Council and look what has happened to them. The court there has been emasculated, dictatorship has taken over. There was an election and for over one month the election commission cannot release the results. When they went to court, it said they do not have any right to question the electoral commission.

Mr. Speaker, do you know what Mugabe said? He said we shall never go back to colonial status again. Talking about sovereignty for the leaders, and the majority of the people of Zimbabwe are suffering. So this argument about wanting a Caribbean Court of sovereignty is a farce, as that argument no longer holds.

Look at Guyana and Forbes Burnham, one of the most brutal dictators in the Western Hemisphere. When they became independent, one of the first things he did was to cut ties from the colonial past, no sovereignty, and when he got rid of the Privy Council and made the Guyana Court of Appeal the final Court of Appeal that was the recipe for him to rape the people of Guyana. Many persons had to flee Guyana because of the brutality of Forbes Burnham and because they had no redress because that dictator controlled the Judiciary and the people had to run.

Mr. Speaker, I am certain you would remember that brilliant Justice Richard Crane, a judge in our jurisdiction who tried to be independent in Guyana and Forbes Burnham pressurized him so much that he had to run from Guyana and he came to this country and made an important contribution to the jurisprudence of Trinidad and Tobago. It was not only him, but former Justice Guaya Persaud. When one reads the judgments of Justice Persaud, one will see in many of his judgments, although they were of a minority, one saw intelligence and excellence in them.

Mr. Speaker, there were other lawyers who had to run from Guyana because when Forbes Burnham dealt with you with that court he had, you could not go anywhere, you could not go to the Privy Council. So they fought for sovereignty at the expense of the civil society and there are certain lawyers who had to run from Guyana and these same Caricom people put so much pressure on him when he came to practise in our court, they would not give him a permit and these are the same Caricom people who are now talking about sovereignty.

Mr. Speaker, our Government prevented him from getting a work permit to practise in our courts, he had to run to England and practise at the same Privy Council that Forbes Burnham dealt with. So this is the kind of argument I really wanted to delve into in my first contribution.

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Mr. Speaker, the proponents of the CCJ also spoke about deepening regional integration. Do you think this will really deepen regional integration? Have you forgotten PetroCaribe? They are talking about regional integration and they all went to Comrade Hugo Chavez, went PetroCaribe and left us standing. It seems to me that regional integration is an illusion, and I want to quote from Dr. Selwyn Ryan, a known government supporter, when he was talking about the deepening of the regional integration. He said what the region-wide debate about CCJ revealed *inter alia* is that while it seems obvious to the Caribbean national that the time had come to deepen the integration movement, there were still powerful forces throughout the region which did not see *de facto* judicial federalism as being necessary. Why? Because we are in a global village; practical, cost effective or even desirable. Opposition was fostered not only by insular nationalism—and that is the reason they gave for PetroCaribe, they say you have oil and riches here, but I have to see about my housewives with *progas* under the pot—but also by deep-seated fears that political executives of the region would make a mess of a regional Judiciary. Thieves, Mr. Speaker. These are some of the points I would have really liked to deal with on my first preparation on this matter.

2.30 p.m.

Mr. Speaker, as I say on the point of the development of Caribbean jurisprudence, one wonders, really, whether the size of the Caribbean could really afford that. But academics have said that if you want to develop a jurisprudence, that that might be a good thing because you have certainty and, therefore, you will have investor confidence coming into the country. But when you argue that there can be no doubt that credibility of the judicial sector reinforces investor confidence and promotes, let us say, foreign direct investment, what they said was that the people who are coming here, or whom you expect to come here and invest money in this country, those foreign investors, in fact, opt for self-contained instruments which include disputes settlement provisions, tending to favour the ICSID (International Convention of Settlement of Investment Disputes).

So you want to say the Court will develop the jurisprudence, especially where you talk about the original jurisdiction in settling matters between country and country in relation to the interpretation of the Treaty of Chaguaramas; what they have said was they have their own system, using the ICSID route sponsored by the International Bank for Reconstruction and Development.

So the question against that academic argument is: Is it true, then, the Caribbean Court of Justice could develop an original jurisprudence in that scenario in the society? Because, as many people have said, the CCJ is a one-

legged, gangrenous lame duck, because only the original jurisdiction, as it pertains to the interpretation of the treatise, can take place but the appellate jurisdiction, only two countries have come on while there are 14 countries signed on. Therefore, this court, as they say, drinking coffee and—

They argued that this Caribbean Court of Justice shall be independent because there is a mechanism put in place to deal with the insulation of the judges by having their salaries paid from a trust fund. They said that the International Development Bank borrowed US \$100 million and they put that in a trust fund and the investment of that fund will be able to pay the judges and hence governments will have no input in paying judges, so judges will not be beholden to the regional governments. That is “ol’ talk!” That is the biggest “ol’ talk” I have ever heard, because we do not know what the salaries of the judges are. But if one looks at the agreement establishing the Caribbean Court of Justice it says:

“Every Judge of the Court shall be paid a monthly allowance for housing to be determined...”

Not by the Regional Judicial and Legal Services Commission, but be determined by the Government of the contracting parties. So what nonsense the proponents are speaking, that the court would be insulated? These politicians will determine allowances for the judges. Who pays the piper, would they not be calling the tune? It goes on:

“Every Judge shall be paid a monthly allowance to be determined by the Heads of Government of the contracting parties to meet the expenses incurred by the Judge in respect of employment of a chauffeur.”

They are even paying the chauffeur for him. So when he has to give a decision, how is it going, especially when there are decisions which involve judicial review and protecting the human rights of the people against the brutality and the despotic behaviour of the head of State?

Mr. Abdul-Hamid: Head of State?

Mr. S. Panday: Head of Government, sorry. It goes on:

“Every Judge shall be paid a travelling allowance to be determined by the Heads of Government of the Contracting Parties in respect of the use by the Judge of a motor car owned by the Judge...”

And you want to say they are insulated?

Mr. Dumas: Of course, they are insulated.

Mr. S. Panday: You are still saying they are insulated?

“Every Judge of the Court shall be paid a subsistence allowance (pocket change) to be determined by the Heads of Government of the Contracting Parties for each day...the Judge is on official duty...”

So this argument that this Court will be independent because it is insulated from the Governments stretching their hands to pay them, one sees that it is a contradiction in the agreement establishing the Caribbean Court of Justice and we need to look into that, and that is why people are concerned.

Security of tenure of judges: If you want a judge to be independent, you must make sure that he has security of tenure. When he goes there, he knows that his tenure will not be interfered with. [*Desk thumping*] I want to tell the people of this country and the people of the Caribbean, what these Caribbean leaders have been doing; how they have been undermining the Caribbean Court of Justice. Under Article IX of the Agreement establishing the Court, it says:

“Tenure of Office Of Judges:

Subject to the provisions of this Article, (a judge of the court) shall hold office...until he attains the age of seventy-two years...”

If you want to extend it any further:

“except that (he) shall continue in office, if necessary, for a further period not exceeding three months to enable him to deliver judgment or to do any other thing in relation to any proceedings part-heard by him.”

Do you know what these contracting Heads of Government did? When they come together they call them the conference, which means the Heads of Government of the Member States of the Caribbean. They went last month and a certain judge—I do not want to call his name because I do not want to embarrass the judge—who reached his retirement age of 72, and the Heads of Government went to a meeting just recently—I think last month—and extended his tenure from 72 to 75 years, in breach of the agreement, in breach of the law, and then they want to talk now—

Mr. Manning rises.

You will get your chance to speak after me.

Dr. Moonilal: You are speaking at 4.00 p.m.

Mr. S. Panday: Yes. I say that is why people cannot have confidence in this Court because of the politicians and the Heads of Government. [*Desk thumping*] I

see the Member for San Fernando East wants to get up and defend, but he is not using my time to defend, because he will take my time to try to waffle his way around.

Mr. Dumas: You are not confident, man. If you were confident, you would have given way.

Mr. S. Panday: Well, I am like that chicken Minister who, when he came and tried to answer a Motion, never gave way. So we must give way. Anyway, let me not waste time behind you. [*Crosstalk*]

Mr. Speaker: Order!

Mr. S. Panday: That was the kind of academic approach I wanted to have in this debate, but having heard the weak contributions of the Members on the other side, I thought that I needed to respond because I thought that they were misleading the public. The hon. Attorney General came to this House and when you look at what she said in the other place, she said word for word. That means she did not even think or even take on a single thing that the Members in the other place had spoken, or it meant that all the Independent Senators and Opposition Senators spoke and nothing they said made sense, because she came here and regurgitated the exact speech.

Then we had the Member for D'Abadie/O'Meara. The hon. Member came to this House and started to speak about how she is an academic and her research capability has caused her to make such a contribution. And do you know what it was?—the supplemental appropriation. That is what she was talking about. She came here, boasting of her academic strength when in truth and in fact, she did not have the capacity to understand what the Member for Siparia was saying. [*Desk thumping*] They totally misinterpreted what she was saying; started with the wrong premise; went and did a lot of ABC research and came to this House and boasted about her research capability.

What the Member for Siparia was speaking about—[*Interruption*] Indeed, that is true; you are right. The boss lady wife said that a woman should be the next Prime Minister and it looked like that flapped in her head.

Mr. Dumas: You are worried about that, eh?

Mr. S. Panday: No, I am not worried. She is trying to tell the other side that “I am there.”

In any event, what this Bill was speaking about and what the Member for Siparia was speaking about—as a matter of fact, the Member for Siparia, en

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passant, spoke about the supplementary appropriation, a thing that any first-year final student will know. The point she was making was that she was trying to deal with the issue in the Caribbean Court of Justice Bill—apparently, they did not even read the Bill before the House, because clause 3 of the Bill says:

“All sums required to be paid by the Government of Trinidad and Tobago for the purpose of meeting the obligations of Trinidad and Tobago under the Headquarters Agreement shall be a charge on the Consolidated Fund.”

That is what the Member for Siparia was speaking about. I want to say if even the Member for Siparia did not bring this forward, I would have expected that at least the hon. Members on the other side who made any contribution, would have read the document and dealt with the issues in the Bill. But what they came here and dealt with was really “ol’ talk” and bacchanal. I would not say it is “wajank” behaviour, but it was “ol’ talk” and bacchanal.

They did not even read the Explanatory Note.

“Clause 3 would provide for the costs related to Trinidad and Tobago’s obligation under the Headquarters Agreement to be a charge on the Consolidated Fund.”

So if one looks at the history of the establishment of the Caribbean Court of Justice, one would see, as I said before, that the IDB raised the US \$100 million to pay salaries of the judges, but now that we have obtained the seat of the Court, that process is a cost on the people; the cost to poor taxpayers of Trinidad and Tobago. Whether the Member for Siparia had mentioned that or not, I thought the Members on the other side would have spoken about it.

2.45 p.m.

It seems to me that when they read they do not understand, or they cannot read. The Caribbean Court of Justice report states, and I quote from the *Hansard* of Friday, April 18, 2008, by the hon. Member for Siparia.

“The Caribbean Court of Justice report states that significant capital expenses have been assumed by the host government in that the building of the CCJ has been provided by the Government of Trinidad and Tobago.”

She was pleading for an answer to this question and you know not one of them who came after her answered that.

“I would ask the hon. Minister to please tell us, what are the significant capital expenses that we have put forward.”

She was speaking about the establishment of the seat of the CCJ.

“This did not come from the other Caricom countries, but this is money only from Trinidad and Tobago...Tell us how much money was expended on significant capital expenses. How much money has been spent already and how much more do we expect to spend? I would hope that the Minister would respond to that.”

Instead of that, two of them came and talked about supplementary appropriation, using Parliament as a rubber stamp.

I, like the Member for Siparia, am concerned. When we look at the Bill before us, we see that the court, in Article V, page 10 of the Bill—you all did not read it? You all came here to debate and did not read it? Page 10 spoke about exemption from taxes, customs and export duties. These were the benefits the court was getting at the expense of taxpayers of this country.

When one looks at Article VII, paragraph one, it speaks about the property of the court “and the Commission shall be exempt from”—certain—“direct or indirect taxation”. I do not know who drafted this Bill, but they are slipping out of context.

“For the purpose of this Article, indirect taxation includes airport departure tax”—I do not know how that forms a part of the property of the court—

“travel tax, travel ticket tax, hotel and restaurant tax”—to drink vodka—

“customs and excise duties, consumption tax...withholding tax on interest, value added tax...”

They are not paying VAT. The people of Trinidad and Tobago are burdened by these financial obligations—“finance charges and imposts with immediate effect”.

This is what the hon. Member for Siparia was speaking about. Tell us how much the one-legged gangrenous organization will be costing the people. That is what we thought they would have responded to.

We have judges in Trinidad and Tobago that work very hard. They cannot see these kinds of benefits. Magistrates have 150 cases a day in our courts. Poor people go to the courts and cannot get justice because of the lack of courts and we are giving away this kind of money for food and drink. Mr. Speaker, this is what we would like them to answer. Is this part of the property of the court and the Commission?

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Mr. Speaker, I want to take you to Article IX, Judges and Officers of the Court, from the President of the Court to the lady who makes tea, hear what is said.

“All employees...”

This is what we are passing today; what the Government has brought before the House.

Mr. Dumas: What do you have against domestic workers?

Mr. S. Panday: I have nothing against domestic workers. I have something against “zandolees” who tried to take away the seat of the Member for Tobago West and the Member for Toco/Manzanilla and when he could not get anywhere, he ended up in Tobago East.

Mr. Speaker, it says that.

“All employees of the Court or Commission”—So do not try those low tricks with me—“shall enjoy exemption from income tax in respect of salaries, remuneration and allowances paid to them by the Court or Commission as the case may be.”

This is what we are passing here today. We all work and pay our taxes, but the cleaner, the tea maker and the President in that Caribbean Court of Justice, look at the benefits they are getting.

When you come to this honourable House and you want the House to pass a Bill, come with clean hands. Come, and when you are debating, explain this. This is why I am very disappointed in the hon. Member for D'Abadie/O'Meara. She came here—I know she is new to finance, but at least she could have read the Bill. The minimum justice she could have done to this honourable House was to read the Bill and deal with the various aspects.

Mr. Speaker, if you think that was bad, after the hon. Minister completed her contribution, then we had the garbage man coming down the road.

Mr. Speaker: You should withdraw that statement and apologize!

Mr. S. Panday: I did not make reference to anybody.

Mr. Speaker: We all know who you mean. Withdraw the statement and move on!

Mr. S. Panday: Mr. Speaker, there is no innuendo, but if you say to apologize, the amount of stick I have to drop on them, I humbly apologize. I am

willing further, if a nice thing make up for me as was made up for him, I would apologize on the Privileges Committee thing also. That honourable and dignified gentleman strewed garbage on us as we waffled along in his diatribe.

Mr. Speaker, that Member insulted us on this side with a kind of freedom that one gets, probably on the streets, but we withstood and now is the time for me to reply.

I quote from the hon. Member, that honest, dependable, that dignified Member for Diego Martin North/East, although he dropped the wedge on those men and they are still crying. I quote from the *Hansard*. He tried to argue the way the PNM argues all the time; nothing to contribute to the development and to the argument of the debate. All the Government does is say that the UNC did so and so and now they have changed. That was the theme of his speech as he insulted us. When he called us hypocrites, they thumped; I called garbage and I apologize.

He went on to say that the UNC, while in government, supported the CCJ and now we have twisted our mouths and have taken the position not to support it. He called us hypocrites. The Member for Diego Martin North/East then stated:

“Mr. Speaker, the real question in this debate is why has the UNC changed its tune?...the Member for Couva North in his previous incarnation as Prime Minister, during the 1996—2001 period pursued the establishment of the Caribbean Court of Justice.”

He also said that the Member for Tabaquite now who was then the Member for Couva South pursued the establishment of the CCJ and he asked the question: Why have they changed their tune now?

The question we must ask ourselves is why, in 2008, has the UNC changed its mind? He wants to find out, again I am quoting him. “What has changed between 2000 and now?” I will oblige him and tell him why we have changed.

The first in issue is that a senior Member of that Government, a former Minister, said to be careful of the creeping dictatorship. Do not give them the special majority because they will do what they want. We thank the people of Trinidad and Tobago for ensuring that this Government did not get a special majority. I also recommend to the people of Trinidad and Tobago that no government should be given a special majority because they will do exactly what this Government is doing here today.

Mr. Speaker, as I said, the original jurisdiction is only concerned with the interpretation of the treaty. The problem is the appellate jurisdiction. It is said

that many countries do not want to come on board and to enact the legislation to make the court the final court of appeal with respect to human rights issues because they feel that the people who are fighting for this Caribbean Court of Justice (CCJ) are basically Heads of Government.

3.00 p.m.

It says that the motivation for the implementation of the court is power-driven by governments of the day who have been stung by reversals before the Privy Council in death penalty cases.

They see the argument of nationalism and sovereignty as blind and lacking in consistency for certain reasons. They are afraid that the long arms of the politicians, having regard to the arguments which I have put forward before, could cause the court to become a hanging court.

I believe that, because that Member for San Fernando East, when he had the public consultation on crime—Member for Tobago West you were there in Tobago—an ordinary member asked him about capital punishment. What did the Prime Minister say? You were there. “Dey so want the hanging court.” He said:

“Capital punishment has been the subject of a lot of discussion in Trinidad and Tobago and our ability to carry it out stems largely from the position being adopted by the Privy Council.”

Listen to why they want to get rid of the Privy Council.

“It has been particularly accentuated with the event of Britain to the EU and the attitude of the European Union to this whole question of capital punishment.”

They want to take the Zimbabwe position: Kill you either in court or kill you outside the court, Mugabe.

Hear the Prime Minister and Member for San Fernando West speaking:

“The Law Lords in London, the Judicial Committee of the Privy Council, which, as you know is the highest court for Trinidad and Tobago, are taking the position that they put one impediment after the next in the way of the execution of capital punishment in this country.”

The vision of the leaders of the Government is that the Privy Council is an obstacle in their way. He says:

“The sociological circumstances of both countries are different. At any rate, it is high time that we have our local Court of Appeal and our local final Court of Appeal, rather than having to go to the Privy Council.”

This argument—[*Interruption*]

Mr. Speaker: Hon. Members, the speaking time of the Hon. Member for Princes Town North has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. R. L. Maharaj SC*]

Question put and agreed to.

Mr. S. Panday: Thank you very much, Mr. Speaker, and thank my colleagues on both sides of the House, including the Member for Diego Martin North/East. One of the issues why people are against the court is that Prof. Selwyn Ryan, who did a lot of research on this matter, indicated that only 6 per cent of the people in Trinidad and Tobago have confidence in the CCJ. That means even PNM people, people who have voted for the PNM, have no confidence in the CCJ and, therefore, the issue is before we try to sell the idea of the CCJ, we as a people have to first instill confidence in the population before we move in that direction. Merely trying to change the boundaries and get a special majority to foist this down on the people, is not good enough. We need to go out there and dialogue with the people.

The appointment of judges is another problem that people have with this system. It is argued that the independence of the judges is of paramount importance and the method of selection of judges must be the ultimate.

Judicial independence, as you know, means institutional independence and personal independence. It is said that the appointment process contemplated in the agreement, establishing the Caribbean Court of Justice, attracted the strongest opposition among commitants of the court. There is the issue of the appointment of judges, which states that the appointment of the President could be a political appointment.

We must look at the argument of the appointment of the judges, not only the CCJ, where we feel there could be political interference. They say that we must look at the culture of the appointment of judges or judicial officers from magistrate straight up to the CCJ. It states that if we cannot deal with that issue, then we are going nowhere.

Mr. Speaker, as you know, in this country, there have been struggles between the court for its independence and the political interference, which has been opened to traumatic tensions and conflict between the political and judicial personnel.

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We must look at the appointment of judges, not only at the CCJ. According to this agreement, we have our own local situation.

In 1993, former Justice Sat Sharma was the most senior judge to be appointed a Chief Justice. Section 102 of the Constitution says that the President shall appoint the Chief Justice after consultation with the Prime Minister and Leader of the Opposition. Well, one knows how our Constitution arrangement is; the President's survival depends on the government in power and, hence, the Prime Minister is *primus inter pares*. What did this Prime Minister do in 1993? They thought Sat Sharma would have had to go in 2008 and, therefore, he would have had 15 years on the Bench. What happened is that they brought—before that it was Justice Kelsick. When he reached retirement age, it was Justice Bernard. When Sat Sharma came to be appointed, that process was deviated and, using section 70 of the Constitution, after consultation with the Prime Minister, somebody from the outside was brought and prevented Justice Sat Sharma from being appointed. [Interruption] Of course, it is. The CCJ is the same position.

That job was not advertised. I hold nothing against the person who was appointed, but it was painful to the population and it caused the population to lack confidence. That person was the head of a chamber of a law firm of which the treasurer of the PNM was the next senior partner. The people saw that the PNM was in office, the PNM deviated from the normal procedure and the PNM appointed somebody from the law firm, the treasurer. There were two senior judges waiting. This is where political interference at the CCJ can also take place here. Once he was appointed, it appeared that there was a determined effort to hang him out of office, just as he was appointed.

When one looks at the political interference of politicians in the appointment of judges—I want to remind you that you were in the House in the last Parliament. Do you remember they brought an Act to amend the Supreme Court of Judicature Act? That came in 2004/2005. When all the Bills were debated, this moved up the line. When it reached Bill No. 2, the PNM threw it off the Order Paper. That was a simple Bill to amend the Supreme Court of Judicature Act, 2006, to increase the number of puisne judges from 23 to 28 and to increase the Court of Appeal judges from nine to 11. This PNM Government never wanted Sharma to be there or to have a say in the appointment of judges, so they took the Supreme Court of Judicature Act and threw it through the window.

They are boasting about the Caribbean Court of Appeal when, in our own jurisdiction, there is backlog of cases. We had an opportunity to appoint judges and we did not, because of political expediency. The PNM wants to interfere with

the judicial process. They will do it now, because you know why. This is the way this PNM Government has been operating. They have institutionalized political interference in the Judiciary in the way they behave.

Lo and behold, you know what they did? They created temporary judges. They would take you from the Bar and put you on the bench for six months. They do not want to give security of tenure, because when a judge is a temporary judge, they could knock him out any time they want. Once you gave a judgment in which the government is involved, out you go.

I want to make reference to the matter of the NIB, where certain criticisms were made against the Government. Do you know that judge has gone home crying, while other judges have been there for some time. They intend to undermine the administration of justice and no amount of money that we have, could propel this country forward if the Government continues in this way. As I said, they went for the Chief Justice. If they can do that here, they can do that there.

We have the separation of powers where there is the Judiciary interpreting the Constitution, placing the Executive in check. The Prime Minister called a Chief Justice and told him: “Resign and if yuh doh resign, I go put yuh in handcuff.” Signs of Mugabe.

Dr. Moonilal: They want to do Rowley that.

Mr. S. Panday: I am coming to that in a minute. “I would humiliate you.” Imagine a Prime Minister! What a dictator! What a megalomaniac saying: “I will put you, Chief Justice, in handcuffs and humiliate you and make your juniors try you.” You have come here in the Parliament with crocodile tears saying: “It was with a heavy heart that I have to do what I am doing.” That is sheer wickedness and vindictiveness on your part. Mr. Speaker, they carried him right down to the wire, but it is said that the longest rope has an end.

The way this Government interferes with the Judiciary, it is shameful. In that same matter in which they tried to execute the Chief Justice, the Attorney General was trying to get a favour for a judicial officer when he, through Monteil, who is the secretary of the PNM, was calling Fifi to bail out a judicial officer.

3.15 p.m.

Mr. Speaker, I want to say that instead of trying to send that Member as Ambassador or High Commissioner to England—I want to read for the Prime

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Minister from the Integrity in Public Life, Chap. 22:01, Part IV, section 24(2) which says:

“A person to whom this Part applies shall not—

- (a) use his office”—as Attorney General, John Jeremie used his office—
“for the improper advancement of his own or his family’s personal
or financial interests or the interest of any person;”

When one looks at the commission of enquiry or the Mustill Commission of Enquiry, they said unequivocally that that move by the Attorney General was to bail out a certain person and to give him an advantage. He was in a hole and he could not come out and the Attorney General of this country who is head of the Judiciary—and it says in the report:

“A certain person had gone to the Attorney General with an account of improper pressure to the CJ, that certain person Chief”—so and so—“was trying to unload his unwanted land but had not secured either a sale to a third party or repurchase by the HML. He had received a cheque of”—so and so—“and now at the instance of the Attorney General to procure via Monteil, the Clico group that the CM would get out of his difficulty...”

Mr. Speaker, I humbly submit that that falls under the Integrity Act and that we call upon the Prime Minister now, just as he referred the Member for Diego Martin West to the Integrity Commission, I have quoted the law for you, I have given you the facts, calling upon the Government now to refer the former Attorney General, John Jeremie to the Integrity Commission for investigation. [*Desk thumping*] But they will never do that. They will only use the law for people whom they think are their opponents whether they are in the Opposition or in the PNM. [*Interruption*]

We are calling upon the Government, everybody is calling for an enquiry, a forensic investigation into UDeCott and those chickens are going and justifying, no need for an investigation. We are asking the Prime Minister to say, unequivocally whether this is not a situation to refer the former Attorney General, John Jeremie to the Integrity Commission, and if he does not, we will ask somebody if they can do it.

We move on to another issue now where this Government uses its political power, its political influence to destroy people. They used judicial and quasi judicial organizations to destroy people. You are boasting that you have a big Caribbean Court of Justice here, everything is honky dory, but what you are doing

in the local situation is that you are using judicial and quasi judicial organizations to destroy people.

There was an allegation that the Member for Diego Martin West removed two or three barrows of gravel from the Scarborough Hospital. *[Interruption]* Allegations—and it came from somebody who, I will explain to you in a minute—removed two or three barrows of gravel from the Scarborough Hospital. It seems to me, your colleague, no sooner the statement was made, before the Member in this House could take his seat, the Member for San Fernando East and Prime Minister stood up and said, “I shall have a public enquiry into that matter.” Now the whole country is calling for a forensic investigation into UDeCott, where millions and billions of dollars have been spent and this Government is saying, “No, there is no need.”

Mr. Speaker, the Member for Diego Martin West says, “I know that there are problems there”, and he put his seat, he said, “If a commission of enquiry is held and nothing is found I will give up my seat. I will walk away.” That has to be somebody who knows more than you and I do, but they have things to hide and they use the judicial and quasi judicial organizations to shut people down. They send him to the public forensic enquiry which turned out nothing, and one wonders whether that statement was not made in this House in collusion with other people here, whether it was, I dare suggest, a set-up to deal with the Member, the longest-serving and most powerful Member of the Government. You have to be careful that you will have a Caribbean Court of Justice (CCJ) when you have allowances for the judges in the CCJ being determined by the Heads of Government and the Heads of Government in the local situation using their power to destroy people.

It seems to me that the dictators use different methods to deal with different people: some just sweep them aside; those who are strong, try to deal with them using the courts.

I have some documents here which I collected today and at this point I want to make a—

Dr. Moonilal: Was it in your post box?

Mr. S. Panday: No, I paid for this, \$1 per page. I want to beg that we be given an allowance to do research like this. I got only this amount because I could not afford to pay for more. Original documents. So what they did, they used their offices to destroy people. Although they had that enquiry, they still reported the Member for Diego Martin West to the Integrity Commission for that same issue.

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The issue which we deal with today—UDeCott—this Government in 2003, they do not sleep in the night they are like “lagahous”, working, planning and skeffing to destroy people, since 2003, trying to destroy the Member for Diego Martin West.

Mr. Speaker: Hon. Member, I think you are fully aware of the Bill before the House. The Chief Whip has filed a Motion on that matter so save that part of your contribution for Private Members’ Day when it would come up. So get back on to the Bill before us.

Mr. S. Panday: Mr. Speaker, I thank you very much, but merely to say that the plan was, using political office to destroy political opponents whether they are in your party or they are not in your party. [*Desk thumping*] The aim of this Government was to use the judicial system to destroy innocent people because the PNM says, “nobody who is charged with an offence could fight the elections”, and that Prime Minister was using that system, the judicial system, to go in a certain direction. [*Interruption*] I do not want to speak about UDeCott, but I really want to speak about interfering with the judicial and quasi judicial offices that this Government—two persons from the Cabinet, those two persons who could constitute a government, only two Ministers it takes to constitute a government.

Mrs. Nunez-Tesheira: Caribbean Court of Justice, remember that.

Mr. S. Panday: Yes, but what I am saying is [*Interruption*] if you could interfere with these kinds of organizations here that terrorize us, what could you do with the CCJ?

Hon. Member: “Ah”.

Mrs. Persad-Bissessar: They get the point. [*Desk thumping*]

Mr. S. Panday: They get the point. I always knew, you could not understand it, but you could not even read when Kamla—[*Interruption*] [*Desk thumping*] If they could interfere with the judicial system, what they did, they terrorized Members of the Integrity Commission which pressured me and other people to send the file to the DPP; to send a file to lock up a Minister to the DPP—

Hon. Member: Like Rowley.

Mr. S. Panday:—and you, Mr. Speaker, over there are giving the judges of the CCJ allowances, and when the file went to DPP, our information is that the Attorney General kept on calling the DPP everyday, “Charge the man now nah man, charge the man quickly nah”, using the judicial process. So if you have CCJ or not, once you undermine the system at the bottom you are going nowhere.

I will not speak of UDeCott. When it went to the DPP—I do not know what happened—the DPP said, this thing is looking funny, the DPP then sent the file to the police for investigation. During that time interfering with the judicial process and saying, “Charge the man nah man, charge the man”. And they wanted to have him charged just before the last election in 2007.

Hon. Member: Who are you talking about?

Mr. S. Panday: Yes, and when the hon. Member for Diego Martin West got wind of it, he had to file judicial review in the court to save himself because of the interference—

Mr. Imbert: Mr. Speaker, in accordance with Standing Order 43(1), on a point of order, the Member having been warned by the Chair is engaging in irrelevance and tedious repetition.

Mr. Speaker: Again, the Member is being slightly tedious. [*Interruption*] [*Desk thumping*] I appealed to you once before, if you go on I might have to uphold if it is moved again. You have about six more minutes, use it wisely.

Mr. S. Panday: You see, Mr. Speaker, everybody “does” talk about “kitchen Cabinet”, they are now a “chicken Cabinet”. [*Laughter*] [*Desk thumping*] A “chicken Cabinet”, so they have to follow up to suit and they will join in any other way to deal with people who have—

Hon. Member: Caribbean Court of Justice.

Mr. S. Panday: Yes, “all yuh have nothing”.

Mr. Imbert: Mr. Speaker, Standing Order 43(1), the Member is persisting in tedious irrelevance.

Mr. Speaker: Now, please, let us get serious in this House. Please, you now have six more minutes; please address the Bill before us. [*Crosstalk*]

Mr. S. Panday: Thank you, Mr. Speaker, for that. But if we did not have the Privy Council, the Privy Council is trusted and proven, but the closeness of this Caribbean court, people are suspicious. How could you say you are putting money into a Caribbean court and you have an Integrity Commission sending papers to the DPP to lock up a man and to charge a man, when a person goes to the court—and I speak, Mr. Speaker, of a gentleman by the name of Bashie Ramatula, an investigator in the Integrity Commission, he says:

“In addition to interviewing certain officers—”

Mr. Speaker: Hon. Member, I am trying to prevent the Member from moving that Motion again, but if he moves it he might very well succeed. Again, you are straying, please!

Mr. S. Panday: Mr. Speaker, I know it is hurting them and I am certain they would not—

Mr. Imbert: Mr. Speaker, I ask you to invoke Standing Order 43(1).
[*Crosstalk*]

Mr. S. Panday: Mr. Speaker, the whole point—

[*Hon. C. Imbert stands*]

I apologize to you.

Mr. Speaker: [*Mr. Speaker laughs*] He has three more minutes. [*Laughter*] No, but listen, in all seriousness, you have four more minutes now, use it wisely. I am appealing to you again.

Mrs. Persad-Bissessar: You can say what you want; he cannot tell you what to say.

Mr. S. Panday: Mr. Speaker, I represent people and people want to know about this, [*Interruption*] people are hurt and people are talking about the CCJ; people are asking where we are going with that?

Dr. Gopeesingh: When our own justice system could be manipulated.

Mr. S. Panday: When our own justice system could be manipulated; when the local justice system could be manipulated by the Government, by politicians.
[*Desk thumping*] This is the issue.

3.30 p.m.

This is the issue we are dealing with. By so doing, people have no confidence in the Caribbean Court of Justice (CCJ), and I am not saying that. I do research, but not like some people, irrelevantly. [*Laughter*] I want to refer you to the first annual report of the CCJ, and hear what the President of the court says.

“On the other hand, I do not hide the disappointment and that of my colleagues that to date only Barbados and Guyana have accepted the Court as their final court...It is to be hoped that other CARICOM countries who are signatories to the Agreement Establishing the Court, will sooner rather than later recognize that the Caribbean Court of Justice can be trusted to determine issues arising within their jurisdictions and processed through their domestic

courts, with a level of independence and competence that matches any other Supreme Court.”

Mr. Speaker, even the President of the court is saying that people have no confidence in the court. I am saying that the way this Government behaves, and the way this Government interferes with the Judiciary and the judicial process, people cannot have confidence in any of the courts. [*Desk thumping*] This is a matter that I really wanted to deal with. Mr. Speaker, as you indicated, I would have the opportunity to read all these affidavits for the members of the public.

Finally, the Member for Diego Martin North/East spoke about ethnicity and nonsense, but the Privy Council has been here since 1833, and the Privy Council has proven its worth. [*Desk thumping*] That issue that you all have with the Privy Council is so that you will make here a banana republic, PNM style. [*Interruption*]

Hon. Manning: Mr. Speaker, I thank the hon. Member for Princes Town North for giving way. If he was of that view, why is it that when hon. Members opposite were in government they agreed to the arrangements involving the replacement of the Privy Council by the CCJ? Could the Member be kind enough to let us know?

Mr. S. Panday: It seems to me that when the hon. Member comes to the House he sleeps and does not hear. It seems to me that he comes here with his eyes open and he does not hear. The major plank of my debate was, why we have changed our position, and that is because of dictators like you. [*Desk thumping*] Thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Information (Hon. Neil Parsanlal): Mr. Speaker, thank you, and I join the debate on a Bill entitled an Act to provide for the implementation by the Government of the Republic of Trinidad and Tobago of the Agreement establishing the seat of the Caribbean Court of Justice and the offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission.

Mr. Speaker, as I begin my contribution, it is a pity that the Member for Princes Town North is leaving, because I wish to remind him that perhaps the only reason why Members opposite are so entwined with the British, and so entwined with what happens in London is, perhaps, their own party is now being run from London. [*Desk thumping*] That is why they cannot afford to let go of the coat-tails of London. I want to tell them and the national community that we are

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quite prepared, as we have been in the past, and we will continue to be quite prepared to forge our own destiny as a free independent Trinidad and Tobago. [*Desk thumping*]

The Member for Princes North began by saying that the debate is prolonged, and we wonder why this debate is prolonged. If they did not want the debate prolonged then they would have done exactly what they did when the CCJ first came into being. They could have supported the Bill, and we would have gone along our way and moved on merrily.

In fact, the continued flip-flop of this particular Opposition is there for all to see and they are guided by yesterday was yesterday, and today is today. So, it does not matter what they did when they were in government, they would never support it now that they are on the other side. That is why we are engaging in this debate for more than a month. All they had to do was to say they agree and we would have continued.

I am waiting to hear the erstwhile Member for Oropouche West contribute to a debate in this House. I wonder, as a young person coming into this Parliament, how can the Member sit and listen to her colleague when he says that the size of the Caribbean precludes development of Caribbean jurisprudence. This is what the Member for Princes Town North was saying. He is a lawyer. So, in other words, we are too small to develop. That is precisely the attitude that has us where we are today.

When people from the opposite side say that to you, and you believe that we are too small to develop; we are too small to have confidence in ourselves. Nothing could be further from the truth. [*Interruption*] You see, the fluency of debates on this side bothers him. When he stands to talk and criticizes the Member for D'Abadie/O'Meara, and engages in his own ramblings, it is like chalk and cheese when you have a debate. He cannot stand in the class of the Member for D'Abadie/O'Meara. [*Desk thumping*] He cannot stand in that class and neither can you, Member for Caroni East, so keep quiet. [*Crosstalk*]

Mr. Speaker, this is an opportunity for all of us to learn something. When we come to debate in the Parliament, we come here prepared to educate and edify each other. Instead, what we have is a rehash of positions that certainly cannot stand the scrutiny of good governance. When we have a misunderstanding of where we are going as a society, this is what happens.

The calls for the CCJ are not new. In fact, there were two very important forerunners to the CCJ. Firstly, you had the itinerant West Indian Court of Appeal

which was established during the colonial period and the Federal Supreme Court which operated during 1958 to 1962. It was out of that or thereafter that Caricom came into being, and the Treaty of Chaguaramas came into force in 1973.

In its 1992 report, the West Indian Commission recommended the establishment of a Caribbean Supreme Court. This was since 1992, and 10 years later we are still arguing about this, and we are still talking about this and this is because of persons like the Member for Princes Town North on the other side that we are where we are today, and we cannot seem to move forward.

The commission's recommendation was just one of a number of calls. So, Mr. Speaker, 35 years after signing the Treaty of Chaguaramas, and more than 40 years after most Caribbean countries have gained their independence, we are debating a Bill that would establish Trinidad and Tobago as the seat of the CCJ. This is 40 years after we got independence. When will we, as a society, have confidence in ourselves to determine our own destiny? When will that happen? It cannot happen and it will not happen as long as there are Members of the Opposition speaking as the Member for Princes Town North did.

One would have thought that the debate would have ended on the same day it began, but what we have is hypocrisy of the highest order when the UNC prolongs the argument. This is important for us to understand the veiled references.

When the Member for Princes Town North speaks continuously about Zimbabwe, Mugabe and all the references that speak to people who look a particular way and who live in a particular place, there was absolutely no reference to other countries of the world where there might be dictators. How is it that no references were made, for instance, to dictators from Pakistan? Why is it that whenever there are references to be made to dictators, it is always references to Zimbabwe? Why it is not Pakistan or any other country on the Asian subcontinent? I wonder, Member for Mayaro, as a true born "Trini", how do you stand and accept that? Are there no other references one can make? I really wonder. That is the hypocrisy of the arguments that are before us today.

They speak of this ethnic composition idea. Other speakers before have spoken about it, and they have not been able to indicate one person who is more qualified than the judges who have been appointed. They have not been able to indicate one person who has been by-passed by the Regional Judicial and Legal Services Commission for the appointment to the Caribbean Court of Justice.

Mrs. Persad-Bissessar: Justice Ibrahim.

Hon. N. Parsanlal: Justice should be in the hands of those who are most qualified to dispense it. Justice ought not to be in the hands of people simply because they are of East Indian descent. In fact, if I were an East Indian judge—a judge of East Indian descent—I would feel insulted if I was appointed only because I am an East Indian. I would like to think that my appointment is based on merit; my appointment is based on my judicial experience and not merely because of the fact that I am East Indian.

Mr. Maharaj SC: You are talking about that and you have Kangeloo in the Court of Appeal and he was not appointed.

Hon. N. Parsanlal: It is not the question of ethnicity that should determine the dispensation of justice or seniority. It is a question of meritocracy not the screams of human right lawyers, because that would amount to tokenism. That is what you are telling me. That is patronage. That more than anything else is patronage!

So, when Members opposite come and argue that one should be appointed in terms of balance—the argument was made that the CCJ is not reflective of the Caribbean. Mr. Speaker, that is an argument that is baseless. I have been taught that charity should begin at home, and that before I look to take out the beam in anybody else's eye, I should take out the mote in my own.

Mr. Speaker, when I look around at the bench opposite, I wonder if that bench is reflective of Trinidad and Tobago. I wonder! Is the ethnic composition of that bench reflective of the people of Trinidad and Tobago? Mr. Speaker, I submit, it is not.

3.45 p.m.

I want them to look on this side; you have cocoa panyol, some half “chinee”, East Indian, African and you have me here, the quintessential “douglá”. We have it all on this side. The PNM is reflective of the face of Trinidad and Tobago and we submit [*Desk thumping*] that there is no way those on that side can claim anything opposite to that. There is no way they can claim it. So, the argument that the CCJ is not reflective and therefore we must appoint people simply because of their ethnicity, is an argument that has to be debunked; we cannot continue to go down that road.

I want to remind the Members opposite of the quintessential Caribbean man. They might not know it but I am sure my good friend, the Member for Mayaro, would remember one of his colleagues, “Black Stalin”. It was Stalin who enjoined us, asked us, and challenged us to believe in our own selves in the song

"Caribbean man". It is because of politicians like us that we are yet to reach where we ought to go. And Stalin in his calypso "Caribbean man" said: "If the rastafari movement spreading and Carifta dying slow, it must be something them rastas on that politicians doh know."

Hon. Member: You have to start singing calypso, boy.

Hon. N. Parsanlal: I could do that too; I could do that too. Because we must continue to decide where we are going as a people, and this debate could have finished very easily. It is about locating the seat of the Caribbean Court of Justice in Trinidad and Tobago; they agreed to it. They agreed to this very thing when they signed on and now they come before us and tell us they do not agree. It is a matter of pride; they are on that side now and therefore they would not agree with it.

The CCJ is a place where finally we can locate the dispensation of justice; in a place that we know; by people who look like us. It speaks to us maturing as people. As a community we know we are transplanted immigrants—because that is what we are—bonded by the fact that all of us, as Stalin said, have made the same trip, on the same ship. It is about time Members opposite understand that as well; that all of us have come here together and we collectively must decide where we are going. And the longer we hold on to the coat-tails of the British Privy Council, it would be worse for us, because eventually, as one has already said, they would kick us out of the Privy Council too. We need to decide where we are going. That is something that Lord Wolfe of Bingham, to quote the Member for Oropouche East, might never understand.

Dr. Moonilal: Just for the correction of the hon. Member, I certainly do not want to disturb your train of thought; it is Lord Bingham of Cornhill, Lord Wolfe is separate. Make your point.

Hon. N. Parsanlal: Not a problem at all; I am glad to see you are very conversant with the British Law Lords. But they would kick us out, whether you know them by their first name, last name, where they come from; they would kick us out, nonetheless. [*Desk thumping*]

Mr. Speaker, the other argument that has been raised continuously by the Members opposite, is that the CCJ has no work to do and according to them, all the CCJ judges engage in is sipping coffee and reading papers. [*Crosstalk*]

Mr. Speaker: Order!

Hon. N. Parsanlal: All they are engaged in is sipping coffee and reading papers. It will not surprise me if citizens listening to that kind of talk coming from the Members opposite—intelligent men and women on the other side—confuse that with rum shop talk, because that is all it is, rum shop talk, engaged in by a rambunctious group of besotted men and women with nothing else on their minds but more rum. I want to assure the national community that no alcohol is served in the tea room so they have no excuse for their unintelligent ramblings; because that is what it is; unintelligent ramblings.

The truth is that new courts like new businesses take a long time to be established and I am sure the businessmen on that side would understand that. That it takes a while before your business breaks even; they know that. In an interview carried in the *Sunday Express* of May 04, 2008, the current President of the CCJ, Michael De La Bastide pointed out and it is here, "We not just sipping coffee.

"...it was the experience of all newly established courts—regional, international and domestic—that it took time for the volume of cases to build. He said this was the case with Canada, when its Supreme Court was established in 1949 and the same thing happened in New Zealand and the International Criminal Court."

In fact, the Chief Justice of New Zealand Supreme Court had this to say:

"When the High Court of Australia was set up in 1903, there were fears that the judges would not have enough to do."

This is the High Court of Australia. The Supreme Court of the United States, in fact, had nothing to do for the better part of three years. It languished in its first ten years of existence, operating only on the fringes of American awareness, the great American Supreme Court. For ten years they did precious little and today all of us look to the American Supreme Court as a bastion of jurisprudence in the United States.

In the case of the CCJ in the year 2005, one application was heard and two appeals were filed. In 2006, eight applications were heard and six appeals were filed. All of the applications have been determined; five of the appeals have already been heard and the other is listed for hearing this month. In 2007, 14 appeals were filed; applications and case management conferences have been heard in seven of the 14 appeals. To return to the CCJ President, though, he notes:

“I have no doubt that as time goes out, even without the accession of other states, workload of the court would increase...’

‘If the feeling is that the Caricom member states are not getting full value for their money from the court, then the answer is to use it.’”

One of the other arguments put forward by the Members opposite—and it is important that we correct the record—is that the CCJ judges are getting everything and the local judges are getting nothing. They argue that the CCJ judges are much better treated than any of the local judges; that there are perquisites and immunities granted to the CCJ judges that are denied to our local judges. This argument has absolutely no basis and therefore, it must not be allowed to go unchallenged.

Let me first deal with the question of immunities. The immunities referred to in relation to the judges of the Caribbean Court of Justice vary in no way from the basic Vienna Convention Immunities for the diplomatic personnel. They vary in absolutely no way. By enshrining into law what those on the other side previously agreed to, by allowing the Caribbean Court of Justice to be located in Trinidad and Tobago, we are giving away absolutely nothing. In fact, if anything, we are gaining by underscoring our own maturity and the fact that we understand what is required of us to be a member of the international community.

Mr. Speaker, when this Bill was debated in the other place, one of the Independent Senators, Sen. Corinne Baptiste-Mc Knight, said the following. I want to quote from the *Hansard* of that day, because I believe her wisdom is a good foil to the folly that we have heard from the other side. She said:

"...this Bill needs to be passed, because we have come too far. We have accepted the jurisdiction of this court, in terms of its original jurisdiction, and this has nothing to do with the EPA. Every single convention that we have signed with the Europeans, from Lome I, has its own dispute settlement mechanisms. This court deals with the single economy of the Caricom Treaty. We have already acceded to that, and we are not going to put them out on the road now. Let us agree to sign this agreement and get on with our international life."

Let us agree to sign this agreement, pass this Bill and get on with our international life. [*Desk thumping*]

On the question of the perquisites of the CCJ judges, that according to the Opposition, are somehow denied to the local judges, nothing could be further from the truth. Though they are public documents, just like the documents that speak to the salaries of politicians, I have no desire, at this time, to reveal to the national community the precise salary and other terms and conditions of local

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judges. They are public documents, but a simple comparison with that received by the CCJ judges revealed that there are in fact allowances paid to local judges that the CCJ judges do not enjoy and that is a fact. There are allowances paid to local judges that the CCJ judges do not get.

So, Mr. Speaker, the national population ought not to allow itself to be fooled by contributions of the Members opposite, who will have them believe that the CCJ judges have somehow been singled out for special treatment at the expense of local judges. It is patently false; it is inaccurate; it is not true; in fact, it is typically UNC.

The other argument they posed this afternoon is that the judges could be hired and fired by politicians. Again, this is another one of the spurious arguments introduced by the Opposition in this debate. I think it is important to remind the national audience what this debate is about.

It is about putting into law; it is about enshrining on the law books of Trinidad and Tobago the decision to locate the Caribbean Court of Justice in Trinidad and Tobago. This is not a debate—it has never been—about whether we should have a CCJ or whether we should have appellate jurisdiction. It has never been about that; it is about locating the seat of the Caribbean Court of Justice in Trinidad and Tobago.

You see they would not understand that. It is to the credit of the Caricom Heads of Government that the provision of the agreement and the treaty relating to the court, provide the CCJ with greater protection than any other political or any form of interference that might have been afforded to any other court. Every caution has been taken to ensure independence of the judges of the CCJ.

Mr. Speaker, I know that you had asked for a 4.00 p.m.—

Mr. Speaker: If I may interrupt you for two seconds. The House had previously agreed to the deferral of a statement to be made by the Prime Minister. I understand that that statement is further deferred until some time in the future. Please continue.

4.00 p.m.

Hon. N. Parsanlal: I thank the Prime Minister for giving way, Sir. [*Laughter*]

The Caribbean Court of Justice (CCJ) judges are appointed by the Regional Judicial and Legal Services Commission (RJLSC), a body on which no politician, no political nominee or office holder has a seat. The Members opposite need to

understand that; they need to know that; they need to accept that, and they need to speak the truth.

The Regional Judicial and Legal Services Commission is the body that appoints these judges. It is a body on which no politician, no political nominee, no office holder has a seat. In fact, the commissioners of the RJLSC are expressly enjoined by their agreement neither to seek nor to accept instructions from any body or person external to the commission. It is a free and independent commission just like the Judicial and Legal Services Commission of Trinidad and Tobago.

The argument the other side raised is that any one of us on this side as politicians can interfere with the Judicial and Legal Services Commission. That is the point they are raising, that any one of us here—my friend from Mayaro, my friend from Oropouche West—can arbitrarily interfere with the independent body of the Judicial and Legal Services Commission of Trinidad and Tobago. [*Crosstalk*]

Mr. Speaker, the President of the court is appointed by the Caricom Heads of Government. No one can be appointed by the Caricom Heads of Government unless he or she is recommended for that appointment by the RJLSC; and we must speak the truth. The Regional Judicial and Legal Services Commission recommends an appointment, and it is based on that recommendation that the Caricom Heads of Government then appoints a President of the court. It is not the other way around. There is no cabal sitting there just selectively or arbitrarily appointing those judges.

Further, like our own local judges, the President and judges of the Caribbean Court of Justice (CCJ) enjoy security of tenure. So when the Member for Princes Town North argues that there is no security of tenure, it is patently false. It is misleading to the House. It is misleading the national community. The judges and President of the CCJ do enjoy security of tenure and cannot be arbitrarily removed from office. They can only be removed from office upon attaining the age of 72 years, or unless a tribunal, comprising of three persons who hold or have held high judicial office, advise that they ought to be removed. That can only happen because of some declared inability to perform their functions or for misbehaviour. It is not simply a matter of somebody getting up one morning and saying, "Move these people." It is not some Prime Minister getting up one morning and saying, "Well I doh like that one and, therefore, he has to go." There is a process.

I submit to this honourable House that the process engaged in the appointment of the judges of the CCJ is one that is transparent; one where the Regional Judicial

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and Legal Services Commission hold themselves accountable. It is not something that happens overnight by some whim and fancy, over drinks, perhaps. This is not how it happens. We have a situation where reputable persons, trained legal minds who have served with distinction, appoint members of the Caribbean Court of Justice.

Mr. Speaker, another point that has been raised by Members opposite was that our local Judiciary has been starved of funds and resources, that the relationship between the Judiciary and the Executive was at an all time low and that was why persons do not have confidence in that institution. We will come back to this issue of having confidence. The perception created by the Opposition was that the local Judiciary had been starved of those funds.

To debunk another piece of rum shop talk, I quote from two gentlemen who should know what they are talking about. The first of these two gentlemen is the former Acting Chief Justice, Roger Hamel-Smith, and the second is the Court Executive Administrator, Mr. Gary M. A. Kelly. Lest we be accused of interfering with the Judiciary, I hasten to add that the quotes I am going to use are contained in the Annual Report of the Judiciary 2006—2007, which was laid in this very House. All Members ought to have a copy, therefore, they have absolutely no excuse to engage in the kind of behaviour that they have engaged in or in the kind of misleading statements that some have made in this House.

I am quoting from page 3 of the document:

"Given the level of co-operation and support we have received thus far from our staff, partners in the justice system and the Executive, however, we are confident that they are prepared to continue the journey with us as we seek to improve the administration of justice."

Mr. Speaker, this is the former Acting Chief Justice speaking about the level of co-operation and support the Judiciary has received "from staff, partners in the justice system and the Executive", and expressing the confidence that the Judiciary is prepared to continue with the journey, with all these partners they have identified, "as we seek to improve the administration of justice".

In a similar vein, Mr. Kelly, the Court Executive Administrator, notes something on page 11 of the same report that was laid in this House. Each one of us here got a copy of this report; it is the latest report. Mr. Kelly says under the rubric on page 11 "Appreciation":

"The Department of Court Administration's task of providing administrative support to the Judiciary was made considerably easier by the level of

co-operation and assistance it received from the various Ministries, Departments and Divisions of the other two Branches of the State, all our external stakeholders and our regional and international partners."

Mr. Speaker, are these the voices, in a public document, of persons who feel starved of funds and whose relationship with the Executive is at such an all time low? I submit not.

Mr. Kelly said that their task was made considerably easier "by the level of co-operation and assistance it received from various Ministries, Departments and Divisions of the other two Branches of the State".

Mr. Speaker, I remember the hon. Member for Siparia—to whom I failed to publicly say, "Happy Mothers' Day to you, my dear", and to all the other mothers in this august Chamber. [*Laughter*] [*Desk thumping*] It was the hon. Member for Siparia who spoke about the backlog of cases and that nothing was being done, to make the point that the Judiciary was being starved of funds. Nothing could be further from the truth.

Again, in this document that all of us have in our possession, where we could have easily read and come to this House prepared to debate truthfully. The Members opposite made heavy weather and created the perception, again erroneously, that nothing was being done to reduce that backlog while exorbitant sums were being spent on the Caribbean Court of Justice.

In times like this, lest I get myself in trouble, it is important that we allow the Judiciary to speak for themselves about the many improvements made in the Judiciary. In the same document, for example, on page 15, it notes:

"73 out of 119 ADCR systems have been installed in court rooms throughout the Judiciary. Thus far, \$11.75M has been expended."

Speaking about the ADCR system, Senior Magistrate Annette Mc Kenzie, who operates out of Tobago said this:

"The ADCR system is a tremendous source of relief to me in the management of my caseload."

She said that the ADCR system, which is now in 73 out of 119 courtrooms throughout the Judiciary, has been a tremendous source of relief for her in the management of her caseload. She continues:

"I have been able to commence and complete a case within one day. I recall that on one occasion I was able to adjudicate to completion four

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complex cases where the defendants were unrepresented and I am very proud of that accomplishment. I now feel handicapped if for some reason I am unable to use the system."

Then she makes a very telling point:

"Old matters on my case list are now a thing of the past."

This is a senior magistrate in Tobago talking about improvements in the Magistracy, and saying that in her court "old matters on my case list are now a thing of the past". Yet Members opposite argue and tell this country that nothing good is happening in the Judiciary; that nothing is being done; that no funds are being spent, and that it is all doom and gloom. But here it is a senior magistrate is commenting on the improvements in the Magistracy as a result of improvements in technology introduced into the courtrooms.

Apart from the ADCR systems, the Judiciary has also invested heavily in video conferencing technology that allows cases to be heard using three-way video conferencing. Speaking about this system, Justice Peter Jamadar—I want to repeat the name, Justice Peter Jamadar—speaking again about improvements in the court system, says on page 16 of the same document:

"The video conferencing facility has resulted in a significant improvement to the effective conduct of civil litigation. With three-way conferencing, parties, attorneys and judges not being required to travel to have access to the court. A judge in Tobago can now hear a matter with parties appearing before him even though they are, at that time, actually in San Fernando or Port of Spain. This results not only in an obvious saving of time and cost, but in the more effective management of litigation."

4.15 p.m.

"Video conferencing is indispensable to our court-driven civil system. The facility is quite user-friendly and I am happy to say that it has lived up to its promise."

This is Justice Peter Jamadar.

Perhaps, Mr. Speaker, if we were to make more effective use of the video conferencing facility, a judge or magistrate in Trinidad and Tobago might be able to locate someone in London who has to be retried, perhaps—just hypothetically.

Mr. Speaker: Be careful where you are going with that.

Hon. N. Parsanlal: I am so guided. If the video conferencing facility is used as it ought to be used, a judge or magistrate sitting in Trinidad and Tobago, can in

fact, talk with lawyers, attorneys and other interested parties even though they were in another place, and in that way, the course of justice might be speeded up. Therefore, it is certainly the intent, and the Judiciary has been provided with the funds to ensure that this facility is expanded and made more readily available to all courts throughout Trinidad and Tobago.

Mr. Speaker, when we talk about the starving of the Judiciary and not giving them funds to do their work, I think it is important for us to speak the truth, and I have said in this House before that facts are stubborn things, they just will not go away. Since 2003—2008, the budgetary allocation to the Judiciary has increased from \$208.3 million in 2003 to \$340.6 million in 2008. That represents an increase of about 64 per cent over the five years.

This Government has not starved the local Judiciary; it has provided them what they have requested; the funds and resources to carry out the works they have asked to be done. So when we come to this House and talk about we should not do this or that and we speak specifically about locating the seat of justice here, we have to understand what we are telling the children of Trinidad and Tobago; that we cannot decide our own destiny. Mr. Speaker, I beg to submit that nothing can be further from the truth.

I suggest to this House that all of us take the time to read the Bill, and to see exactly what is happening with us as a society, understand where we are going, decide on what we are going to do with ourselves as we mature as a society, and I commend this Bill to every Member of this House and offer my own unwavering support to the Bill.

Thank you.

The Prime Minister (Hon. Patrick Manning): Thank you very much, Mr. Speaker. It was not my intention to intervene in this debate at all, but having heard the contribution of the very distinguished Member for Princes Town North, I thought I should make a brief intervention in the debate, if only to set the record straight.

Mr. Speaker, I remember that very memorable day in late August of 1999, a Sunday morning when we looked at the front page of the *Sunday Guardian* newspaper and it was revealed to the national community that a prisoner had escaped legal custody from the Princes Town Police Station, came out of the Princes Town Magistrates' Court and escaped legal custody with the assistance of police officers. I remembered my blood coming to a boil that Sunday morning—I was the Leader of the Opposition at the time—because I concluded that those of

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evil intent could only be operating in that way because they felt and were convinced that the politicians of the country were unable to get together to act against them.

On that very Sunday morning, I approached the General Council of the PNM in San Fernando; we had a meeting and raised this matter under an item on our agenda called “general business”. We have that in the PNM where people are free to speak open on any matter they wish, and the political leader took advantage of that to raise this matter with the general council of the party.

I sought and obtained the approval of the general council to approach the Prime Minister and the Government of the day for collaboration between Government and Opposition to deal with what had emerged as early as 1999 as a very serious issue in respect of the combating of crime in this country; remember police officers had assisted a prisoner in escaping legal custody.

I remembered when I approached the Prime Minister and the hon. Member for Tabaquite who held the exalted office of Attorney General at the time, he was skeptical but agreed to meet immediately. They were very skeptical, especially the Member for Tabaquite, they could not understand where this came from—what they would have seen as this sudden shot of altruism. From whence did it come? Why would the Leader of the Opposition want to come to us?

They were unable to accept that there were those among the citizens of Trinidad and Tobago, including the Leader of the Opposition at that time, who saw governance separate and apart from the cut and thrust of politics, who believe that those who are elected to office have a higher calling and, therefore, a responsibility to subsume whatever political differences we might have from time to time and get together for the common good of all the citizens of Trinidad and Tobago.

Eventually, we said let us see where this thing would lead and it was a team of three, I think, from the Government at the time and two from the Opposition, I was joined at the time by the Member for Arouca North, Mrs. Camille Robinson-Regis and we sat and agreed that the way we would proceed is by establishing a technical team to assist us in our deliberations and we agreed on such a team headed by Sir. Ellis Clarke who accepted the appointment. We selected a technical team of persons including experts from abroad who had a track record of association with the justice system and a track record of a knowledge and understanding of what was involved to set some of these difficulties right.

Mr. Speaker, I have made the comment before and elsewhere, and I wish to make it again, that that exercise involving Members of the PNM who were in

Opposition at the time, and Members of the Government constituted one of the most satisfying exercises I had ever been involved in my political career. The meeting was chaired by hon. Basdeo Panday, Prime Minister of the country at the time. It involved the now Member for Tabaquite, he was then Member for Couva South—he has become very ubiquitous, Mr. Speaker, I am not sure where he is from—and I think the Minister of National Security who was Brig. Joseph Theodore at the time. The five of us sat.

The technical team was appointed and we met to give political direction from time to time to the team so they could come up with a complete reform of all the legislation governing the conduct and operations of the police. The Opposition gave the assurance to the Government beforehand that if constitutional changes were required which required a special majority in Parliament, that that support would be forthcoming. That was what we did. We decided to get together to deal with the criminal element in the country.

Mr. Speaker, much has been said on that matter and there is much water under the bridge now, but we were leading for general election in 2001 and as our meetings progressed involving public consultation as it did—and consultation did take place—and as the general election came much closer, we recognized that there could have been a change of government. Therefore, both sides agreed before one ballot was cast in this country in the 2001 General Election that whatever the outcome, this exercise had gone so well that whoever is in Opposition will give support to whoever is in Government and both sides agreed to that.

As it turned out, the 2001 General Election confirmed the government which had operated in office from 1995—2000; the PNM stayed in Opposition. The support we had given to the government and assured them of in 1999, we reassured them after the election of 2000 that that support was still forthcoming.

Mr. Speaker, I make the point again, I did not realize that Government and Opposition working so closely together could have been so satisfying, it was satisfying for me and I believe I can speak for my colleague, Mrs. Camille Robinson-Regis, who expressed similar sentiments as deliberating went on.

Mr. Speaker, we had not completed the entire effort by 2000, but we were determined to do so in the shortest possible time, and it was substantially concluded by the time we went to a second general election in 2001. As you know, Mr. Speaker, the result of the 2001 General Election was 18/18 and after an appropriate period, the government changed. The President, in his wisdom, selected a different Prime Minister and the PNM moved from Opposition to

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Government. It is now a matter of record that immediately upon that taking place, we got a change of attitude by hon. Members opposite who had moved from Government to Opposition—notwithstanding the guarantees they had given us two elections before the one of 2000, and before the other in the 2001 General Election.

Notwithstanding the assurance given that their support would have been forthcoming for constitutional amendments that required a special majority in Parliament, notwithstanding the commitments that had been made, as they moved from Government to Opposition, their views changed. Suddenly and inexplicably their views changed. All of a sudden they found that we had not done this and had not done that, and needed to do more of this and that, and that, and that. The records would show that it took three-plus years and plenty pressure from the public to cause Members opposite finally to come to a position where, in a modified and watered-down form we passed legislation to deal with the police service in this country.

The record is there and, therefore, any change of heart that hon. Members opposite displayed on that issue had nothing to do with a change of view, Mr. Speaker; it had only to do with a change of place. They moved from the place of Government to the place of Opposition and that is the significance of this matter to the issue that has been debated in this honourable House today.

4.30 p.m.

When the Member for Princes Town North talks about it was a change of view, it is no change of view. They moved from government to opposition and therefore everything changed. The attitude of cooperation and seeking to get things done suddenly gave way to an attitude of obstructionism and standing in the way of getting proper arrangements in place to ensure the proper conduct of Government business. That is what it is; that is what happened. So it is not an isolated incident with respect to the CCJ, because I was Leader of the Opposition in the year 1998—was that the year?—Caricom Heads of Government were meeting and they were discussing the establishment of the Caribbean Court of Justice.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea—*[Interruption]* We need to have an agreement by the House. Then you would have to move the appropriate motion.

PROCEDURAL MOTION

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I move in accordance with Standing Order 90(2) that we suspend Standing Order

10(2), if my memory serves me correctly, to allow the Prime Minister a few more minutes to complete his presentation.

Mr. Speaker: Before I put the motion, we will add that time to tea.

Question put and agreed to.

Hon. P. Manning: Thank you very much, Mr. Speaker, and I am very grateful to hon. Members for delaying their tea time. As I was saying, I think the year was 1998. They were discussing the establishment of the Caribbean Court of Justice and an important decision they had to take was the country in which such a very important court, seeking as it did, among other things, to be a court of first instance in respect of matters coming under the Caricom Treaty—this is the disagreement under that treaty—or an appellate court replacing the Privy Council, important as it was, there was a crucial decision that faced Caricom heads as to the country in which the court would be located.

More than that, in some jurisdictions in the Caribbean, to be able to move away from the Privy Council towards some other court, requires a referendum. So that some of the countries sitting around the table were by no means certain that they could get the support required from the people to be able to make a change as fundamental and as significant as that. The number of countries therefore, that could have been eligible to host this court was relatively few. One of the things that concerned the Caricom heads was this: They did not wish to take a decision to place the headquarters of the Caribbean Court of Justice in a country that eventually would have adopted a position that the Caribbean Court of Justice would only have been a court of first instance in the respect of disputes under the Caricom Treaty, but which was reluctant to take the ultimate step of replacing the Privy Council as the final appellate jurisdiction to the Caribbean Court of Justice. They wanted to avoid that situation.

So the Prime Minister of Trinidad and Tobago, speaking to his colleagues in Caricom, expressed the view that he had a reservation about the position that the PNM would adopt. He could not be sure, as he said to them, as a consequence of which they mandated the Caricom Secretary General to visit the Leader of the Opposition in Trinidad and Tobago and he came. I was very surprised when he came to tell me that they wanted an assurance from me on behalf of the PNM that we would support the replacement of the Privy Council by the Caribbean Court of Justice, as the final court of appeal for Trinidad and Tobago, and whatever assurance I was able to give or not give, would determine where the headquarters of the Caribbean Court of Justice would be located.

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So I gave the assurance on behalf of the People's National Movement—I was authorized to do so—that we will support the replacement of the Privy Council by the Caribbean Court of Justice. It was on that basis that Caricom Heads agreed to site the headquarters of the CCJ in the capital city of Trinidad and Tobago, Port of Spain.

Then election came again and as one government gave way to the next, we suddenly found that there was a change of view, according to the Member for Princes Town North. We suddenly found that there was a change of view by hon. Members opposite, that no longer were they as enamoured with the Caribbean Court of Justice as they were when they were in government, but all of a sudden they saw major pitfalls which they were unable to see when they were in government. Suddenly major pitfalls appeared in the way, which the hon. Member for Princes Town North is now trying to explain away by saying there was a change of view because of changed circumstances.

He is quite right that the circumstances were changed and the changed circumstances that led to the change of view was the fact that they moved from government to opposition and with it, a change in attitude that says: “We are not here to make the Government look good; it is not our responsibility to ensure that they look good or that they govern well; that is a matter for them. Our position is to seek to replace them and at all costs, even if in seeking to replace them, we put the population and the people of Trinidad and Tobago, in whose interest we are elected to serve; we put that population in jeopardy on the altar of political expediency.

That is the reality.

Mr. Maharaj SC: Mr. Speaker, I must thank the hon. Prime Minister and Member of Parliament for San Fernando East for giving way. If it is that that is your genuine commitment and your genuine belief in the response to people pressure on a government as you mentioned—to accede to people pressure—would you then agree in the circumstances of what is happening in Trinidad and Tobago, for there to be a public commission of enquiry into the affairs of UDeCott?

Hon. P. Manning: Mr. Speaker, I really would like to know the relevance of that question to the matter that is being debated. But even so, I would just like the Member for Tabaquite to know that he has not heard the last word on that matter yet. “Hurry dog eat raw meat.” Take it easy.

Mr. Speaker, to close, therefore, any reservation on the part of hon. Members opposite to support the Caribbean Court of Justice has nothing to do with their view; their view is conditioned by their place. When they are in government they hold one view; when they are in opposition they hold another, and as easily as one moves from government to opposition, their views change from A to B. In other words, today they would have had one view and tomorrow another because today they are in government; tomorrow they are in opposition.

It is not the first time it is happening. There is now a track record of that kind of behaviour by hon. Members opposite. This House, the hon. Members and the national community being exposed to that, first of all, in the police legislation, as we had clearly pointed out today, and now in the Caribbean Court of Justice. I still would like to urge hon. Members opposite to emulate the altruism that we and we demonstrated ably to the population in 1999 when the General Council of the PNM took the position that the Leader of the Opposition should approach the government to collaborate on matters in the national interest and to give the assurance to the government of the day that whatever parliamentary support they required to ensure that the legislation was approved appropriately, was assured from the PNM before even one word of discussion had taken place.

Thank you very much, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: The sitting of the House is suspended for tea and we will resume at 5.10 p.m.

4.40 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

LEAVE OF ABSENCE

Mr. Speaker: Before I call on the next speaker, I would just like the *Hansard* to record an apology for the hon. Member for St. Augustine, Mr. Vasant Bharath, who has asked to be excused from today's sitting of the House.

CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, I am very happy that the hon. Prime Minister has decided to come back and give us his presence—

Mr. Speaker: One second, please. There is a disturbance in the public gallery.

Dr. T. Gopeesingh:—to give us his distinguished company in this House. I want to raise some issues and respond to the hon. Prime Minister on a number of

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the points that he made. Basically, the tenet of his conversation with us this afternoon has been the question of collaboration and cooperation by both the Opposition and the Government when he was in opposition and we were in government.

He indicated that we must assume the responsibility to subsume political differences and come together for the good of the country. I want to remind the hon. Prime Minister that when you asked for that sort of cooperation in the last government and when you found difficulty in dealing with the crime situation, you spent millions of dollars asking the people of this country to call on their Members of Parliament to support the crime legislation packages. The United National Congress in opposition then, decided to come with you and support you and work with you as an opposition party in collaboration and in consultation with the Government at that time, to bring about the Police Reform Bills. If that is untrue, you may get up and say that at this moment. We worked with you and we gave you full cooperation.

Mr. Manning: I thank the hon. Member for giving way. I wonder if the hon. Member for Caroni East would agree with me that it more had to do with two other matters than with the altruism of the opposition. It had to do with the fact that the COP was in the making. In other words, there was a split in the ranks of the opposition, and also there was public pressure on the opposition at that time. What do you think?

Dr. T. Gopeesingh: Hon. Prime Minister, it was the United National Congress that was in opposition and the split in the UNC came about subsequent to that, after the Police Reform Bills and all of that. The whole issue of the Police Reform Bills was brought together. It is true that Mr. Dookeran had been part of the team, but it was led by Mr. Panday and Mrs. Kamla Persad-Bissessar, the Member for Siparia. They sat with your team which consisted of you, the Minister of National Security and I think the Attorney General and someone else and for months they sat and deliberated on the issue of the Police Reform Bills. We supported you on these three Police Reform Bills: the Constitution (Amdt.) Bill; the Police Reform Bill and the other one. But in that package, there were a number of things that were agreed to by the Government at that time; by the hon. Prime Minister. At that time there were a few things, for instance, the Victims Compensation Bill that was agreed to at that time; the Protective Service Compensation Bill, which was agreed that that would have been passed; the Children's Authority Bill.

So in that package there were a number of other Bills that were agreed upon between both sides that were supposed to be brought before Parliament and passed. Unfortunately, only the Police Reform Bills have been passed and these other Bills, agreed to in the package, have remained languishing over a period of time. We still do not have any Victims Compensation Bill, because it was promised that they would get \$250,000 and up to today the Government has not decided whether they will give the \$250,000. The Protective Services Compensation, no police officer can get compensation or their families can get compensation if they are killed.

5.15 p.m.

So all these packages of legislation put together and agreed upon in collaboration and consultation with both sides, which the UNC in opposition agreed to with the Prime Minister and his team, have remained outstanding. For the Prime Minister to say that the UNC has had a change in attitude—I want to quote the Prime Minister:

Change in attitude; notwithstanding the assurances given that would support the Government...

We have no change in attitude. We are here to support bills that are worth their salt and are merited. If we feel that something is not worth the merit, we will not support it. When we see difficulties in something, we rely on reality, not illusions or promises of what can be done. What is facing us in stark reality we judge and determine how we are going based on that. You asked for cooperation and we gave you cooperation. If you ask again, we will kindly consider what you need, but in the context of this Bill, we have to reconsider how we are going.

Hon. Prime Minister, you said that the attitude of cooperation gave way to the attitude of opposition. It is not an attitude of opposition. An opposition has to keep the Government in check and we have to look at what it is doing. For example, our Chief Whip has filed a motion on UdeCott which the hon. Speaker said we will discuss on Private Members' Day. We are keeping you on your toes. This is our role and responsibility. Our role and responsibility is not to oppose you, but to ensure that the Government moves in a way that will satisfy the entire population.

It is true that you said that, in 1998. The Heads of Government addressed the Caribbean Court of Justice and you gave some support. I may be wrong, but you will have to tell me if I am, Mr. Speaker. I remember reading the *Hansard* that the same Prime Minister, in this same House of Parliament, when he was in

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opposition, indicated that he would not support the CCJ Bill. If I am wrong, I withdraw that, but on reading the *Hansard* report, it was the same Prime Minister who said, when he was in opposition, that he would not support the CCJ.

The hon. Prime Minister is saying that we saw major pitfalls we were unable to see before and suddenly changed our views because of changing circumstances when we moved from Government to Opposition, and that we are putting the people of this country on the altar of political expediency.

Mr. Speaker, he mentioned the issue of support at a time when someone was let out of jail and worked with the Government. We know that the Prime Minister has said that before, but today he has indicated that he is prepared to work with the Opposition and the country to bring about constitutional change and he appointed Sir Ellis Clarke as head of a team to look at constitutional change, which would have incorporated a number of the things we are discussing—the appointment of a Chief Justice, the appointment of the Police Service Commission and the appointment of a number of other bodies. He promised to bring this constitutional change before the next general election in 2007. He said there would be constitutional change before that election.

What are the promises? The Prime Minister went about the country and spoke about constitutional changes to be effected and brought before the general election. He asked the Opposition what points we had to make about the Constitution. We proffered a number of issues. Mr. Panday spoke about it. The election of an Executive President should be by the people. They spoke about the election of a Senate and members of the local government and so on becoming Members of the Senate; but where are all those constitutional things that he spoke about and promised the population. We were going to give him cooperation as far as constitutional change is concerned.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Caroni East for giving way. I would like to let him and hon. Members know that indeed round-table discussions are taking place at the Prime Minister's Office at this time, comprising about six Ministers of Government and a technical team involving Sir Ellis Clarke, Prof. John Spence, Prof. La Guerre, Prof. Selwyn Ryan, Prof. Hamid Ghany and Mr. Tajmool Hosein, who is the head of the Principles of Fairness Committee, which put out a draft themselves. It also involves Mr. Anselm London of the Tobago House of Assembly.

Discussions are continuing and very shortly we will have a document we can now use as a basis for discussion. This is without prejudice to any individual

position that any one of them might take. A discussion is taking place and, arising out of that discussion, the Government will produce something for use only as a basis for discussion. It may not be the Government's complete view at all, but we feel that the best way to proceed on this matter is on the basis of some document that we can use for discussion and, in the next few months, such a document will be available. We will lay it in Parliament.

Dr. T. Gopeesingh: Mr. Speaker, I like to hear the hon. Prime Minister. In his budget speech, year after year, it is beautiful that you hear this immaculate language in the promises he makes. I have in my briefcase a thick document of empty rhetoric promises made by the Government. Mr. Panday has it on his laptop and that is why he was using it. It is a thick, voluminous document. I am sure the Prime Minister must have a sense of unhappiness with himself sometimes because he said, in 2003, 2004, 2005, 2006, that we would do this and that.

The PNM's document on their 2020 vision is another one that embodies a whole heap of promises and they cannot implement any they make from year to year. Almost 80 per cent of the promises they make in every sector remain unfulfilled. Their empty vacuous promises remain unfulfilled. I want to feel confident that what the Prime Minister is telling us today—I do not know if any of his colleagues on the other side knows about what he is saying or whether he is just satisfying himself and thought of telling us off the bat. Probably most of his colleagues do not know it. Is that a way of coming to Parliament and telling them something new—

Mr. Manning: It is not an entirely fair comment at all. The hon. Member will agree that I said that there were about six Ministers. Ministers are an essential part of the process and we have agreed on the direction we will take. It is not fair at all.

Dr. T. Gopeesingh: Mr. Speaker, the hon. Prime Minister knows that Sir Ellis Clarke had a large document on constitutional reform. There was another team, under Mr. Tajmool Hosein, that has another large document on constitution reform. I cannot remember the name of the document.

Mr. Manning: Principles of Fairness.

Dr. T. Gopeesingh: Principles of Fairness. And the UNC has, over a number of years, elucidated our views on constitutional reform. Therefore, it is not going to be a long and arduous task to look for constitutional change. The Prime Minister should not procrastinate. He should probably give us a day in the House when he believes that his Government will undertake, in a comprehensive

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manner, some degree of constitutional change. If you want to give us an undertaking today, we will look forward to a time frame for constitutional change.

Mr. Manning: Mr. Speaker, as it now stands, we believe that we are in a position to come out with a comprehensive document in about three to four months. It will go to Cabinet and we will lay it in Parliament, not as to the views that the Government holds, but as the basis for discussion. It is a very Green Paper. It is not even a Green Paper because a Green Paper is an indication of Government's intent. It is a document for discussion. We will lay it on the Table and use it as a basis for public consultation and for consultation with hon. Members opposite. That is the intention.

Dr. T. Gopeesingh: We have had consultation upon consultation. For instance, the Government procurement regime put out a Green Paper in 2003 and it was out for consultation. The Local Government issue was out for consultation. We can have Green and White Papers coming four and five years later on the procurement regime where billions of dollars are being spent by all the state enterprises and special purpose companies. So, hon. Prime Minister, when you try to tell this House and the people of this country that you are really serious about constitutional change; when you tell us that you are going to give us a Green Paper in two months, we do not know when you will give us the White Paper, far more implementing any constitutional change. We cannot hold you to any promise because it is vacuous.

In essence, I have tried to debunk the hon. Prime Minister's statement that the UNC Opposition has not been supportive and has not been collaborating with the Government. We have been collaborating and will continue to collaborate for the benefit of the people of Trinidad and Tobago. The UNC will work for the people of Trinidad and Tobago. [*Interruption*] Do not interfere with our business! We do not interfere with your business. You have a PNM-A there and a PNM-B on this side.

I go on to the contribution by the Member for Lopinot/Bon Air West, Mr. Parsanlal. His opening statement was that the only reason why Members are so entwined with London is that their own party is being run from London. We in the UNC have such a powerful team of people with competences and capabilities [*Desk thumping*] that we should be in government rather than you. If we had the opportunity to be in government, which we will be shortly, we would show the country our capabilities and competences. We are a collective party that works together. We bring our brains together to work collectively for the benefit of the people of Trinidad and Tobago.

The Prime Minister said that the PNM is quite prepared to forget its own destiny as an independent Trinidad and Tobago. I want to know if this destiny that the Member for Lopinot/Bon Air West talked about is that of 1,600 murders in five years; 150 crimes committed in less than four months; kidnapping restarting again and the Minister of National Security not being able to control crime. The Prime Minister is speaking about promises and operations this and that from year to year and crime is getting worse. Then there is the whole question of transparency and accountability in the procurement of contracts nationally by state enterprises and special purpose companies when you know, hon. Prime Minister, that all is not well in the State of Denmark. You know that there is a lot of corruption in state enterprises and special purpose companies, naming 15 educational facilities management unit, eTecK, UDeCott, EMBD; all of them.

5.30 p.m.

The Estate Management Business Development Company spent \$1.2 billion in massive corruption, trying to do the lands of Caroni (1975) Limited. NIDCO has spent almost \$500 million.

The UTT, as we heard this afternoon, is a private company incorporated under the czar of Ken Julien. He was the czar of the energy sector. That is the Prime Minister's good friend. The sum of \$1.2 billion has been spent on UTT, without any accountability and transparency, and the Auditor General cannot go into the UTT to find out how the money was spent.

eTecK is spending millions of dollars. WASA has lost over \$900 million in one year. You have spent \$1.5 billion in reconstructing BWIA. Where has that money gone? What have you done, changed it from BWIA and put a bird on the back? You said that you have reconstructed BWIA at the cost of \$1.5 billion. Is that the destiny where you want to take Trinidad? Is that the destiny where the Member for Lopinot/Bon Air West is talking about?

The health sector is in shambles. It pains me as a medical doctor. Mr. Speaker, your brother is a very prominent medical doctor and I am sure he is pained at what goes on in the health sector when he sees mothers delivering babies on benches, people falling off benches and dying on the floor and babies dying from enterobacter poisoning.

Mr. Speaker: Before you go further, let us talk about the judges on the bench of the Caribbean Court of Justice.

Dr. T. Gopeesingh: I will come back to that now. I wanted to respond to the whole question of what he said was the destiny of an independent Trinidad and

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Tobago. He said that we continue to flip-flop in the Opposition. I made the point—when the hon. Prime Minister was here in Opposition in Parliament—from the *Hansard* that we knew that he indicated that he was not in support of the CCJ.

The hon. Member for Lopinot/Bon Air West said that two calls were made on the whole aspect of the CCJ, one call was for the Federal Supreme Court and the other was the Treaty of Chaguaramas in 1973. I want to remind the hon. Member that one of his former Prime Ministers, the father of the nation talked about federalism, West Indies Federation, a Federation Court and a Supreme Court. The former father of the nation said one from 10 leaves naught. How it is that the PNM seems to have a change around in its thinking and is now talking about federalism, a West Indian Court and a Supreme Court? I want to remind him of that point. It was the former father of the nation, the then Prime Minister, who said one from 10 leaves naught. *[Interruption]* Now, take that point back. You heard what the hon. Member said? I think he should withdraw that. I think you heard it.

Mr. Speaker: I think I heard something that is not very parliamentary. I think you need to withdraw that word.

Dr. Browne: Withdrawn.

Dr. T. Gopeesingh: I expect better from my student. It seems as though I did not teach him properly. Now, what I am disturbed about is the type of statements made by the Member for Lopinot/Bon Air West; statements about race and ethnicity. When a Member of Parliament gets up and speaks as he spoke today, it is very, very shameful and disgraceful. Mr. Speaker, I know you feel ashamed of the contribution of the Member for Lopinot/Bon Air West. It is disgraceful and vulgar when he talks about race and ethnicity, the way in which he spoke about it. He then spoke about the hypocrisy of our argument. He spoke about the ethnic composition. He said—I want to quote him properly: “When I look around at that bench, is it reflective of the ethnic composition of Trinidad and Tobago.”

How can a Member of Parliament go down to the gutter? It is guttural. *[Interruption]* I will respond to you now.

“Look at this side...”

It is not that we are in conflict because the people of South and Central Trinidad—that is the way the political configuration takes place.

How many Hindu people are on that side? You have one Hindu woman sitting on the other side of the bench. They have thrown her in the bamboo and he

is talking about ethnic composition of our party. It is shameful and disgraceful. He said: “Look at this side, it is a quintessential dougla.”

I think his analysis of what is going on is ahistoric. He is not at peace with himself. He is not at peace with his own ethnic composition. He does not understand his own ethnic composition. He is confused. He had a rhetorical oversimplification of the issues today. It is non-intelligent and disgraceful.

If he were standing in Parliament before the 1970 revolution, when he made that statement he would have been looked at as a colonial master because the 1970 revolution gave way to the freedom of expression of all people of Trinidad and Tobago. This is why previous 1970, the businesses were run by one group of people. Subsequent to 1970, there was ethnic support and people from different ethnic groups began to feel more comfortable.

I remember a certain person told me that in the 1950s, they had to go to the banks and tell the banks: “You are only employing one set of people in the banks and until you do not employ another set of people we are not going to support your banks.” People in the 1950s and 1960s fought for it. The Black Power Revolution in 1970, gave way to the freedom and expression of the black entrepreneurs in Trinidad and Tobago. This is the same Member for Lopinot/Bon Air West who is talking about ethnic composition. If he was speaking before 1970, he would have been looking as a colonial master at that time.

He said that the CCJ today, has no work to do. We are saying that the CCJ has no work to do by sipping coffee and reading newspaper. It was a member of the High Court—you said to talk about what the judges are saying—Justice Volney, who made the statement that the CCJ gets everything they want and that he has been trying to run a court for four months, without audio system. He said that a pin could drop in the CCJ and you would hear it, but for four months he has not been getting anything. If a judge makes a comment, it is not the United National Congress in opposition making that statement. It is Herbert Volney, a member of the Judiciary.

Ask the Industrial Court, they have to go and collect documents in one place and take them to another place for matters to be heard in another place where the Industrial Court is set up. I am sure you and all the lawyers who practise in the Industrial Court are aware of that.

With respect to the San Fernando Magistrates’ Court—my colleague has spoken ad infinitum about the deplorable conditions in the Judiciary. It is not for me to repeat that issue. When we speak about giving what is due and what should

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be given to the people of Trinidad and Tobago in the Judiciary, Magistrates' Courts, High Court, the Court of Appeal and the administration of justice, that money should be spent here, before looking at other areas.

I want to raise one more point that the Member made. He made a statement about a rum shop talk. What is he trying to insinuate? He tried to quote from the Annual Report of the Judiciary, 2006/2007. He tried to quote Gary Kelly and Justice Roger Hamel-Smith. The Member for Siparia quoted from the same document and said that the Judiciary has been asking for a certain sum of money and have been receiving less than 50 per cent of what they have been asking. They are stifling the Judiciary for the financial resources in the same annual report that he was talking about. The question of rum shop talk and ethnic implications is very, very sad.

He knows that there has been massive discrimination by this Government against one sector of the society for a long period of time. Look at the allocation of houses, contracts under CEPEP, the composition of the security forces in Trinidad and Tobago and the employment practices in the state enterprises and you would see discrimination. It pains us to see the massive discrimination in the employment of state practices. [*Interruption and Crosstalk*] Let me speak. You have had your time. You could speak after.

The Hon. Prime Minister, I remember when he was in office from 1991—1995, had once formed a commission to look at the whole question of bringing the ethnic parties together. I think it was chaired by a distinguished lady. I cannot remember her name now. It was a round table discussion that he held while he was in government. He came back in government and said that he was appointing another team lead by Dr. Brinsley Samaroo and a number of others. Today, we have not heard anything about what the Prime Minister has promised, to bring about some meaningful contribution, in terms of the dialogue of the ethnic coming together, in terms of the national good and welfare. It would be important for the Prime Minister, on a subsequent occasion, to tell this country what has happened to that team he spoke about before the election. I think Prof. Selwyn Ryan was on a team as well. We have not heard anything about that. When the hon. Member for Lopinot/Bon Air West comes and talks about rum shop talk, ethnic polarization, and ethnic things, it is shameful and disgraceful and he should hang his head in shame.

Look how nice we are together here. Look how we live together. We love each other in the tea room. We are political opposition and we fight with you here, but outside we will care for you. Your neighbours, how do you live in

Trinidad and Tobago? Do you think I as a doctor could look at the hair of a patient and tell the patient: I am not attending to you, or look at a student and tell the student: I cannot teach you? How disgraceful.

I have a few areas again. I do not want to go on too long. I want to refer to a few other issues which the Member for Diego Martin North/East spoke about in his contribution. I have dealt with the hon. Prime Minister and a few things from the hon. Member for Lopinot/Bon Air West. I want to deal with what the Member for Diego Martin North/East mentioned in his contribution.

The first issue that the Member for Diego Martin North/East spoke about is that he said:

“Nobody forced, bullied or made the Members of the UNC sign the Agreement Establishing the Caribbean Court of Justice. Nobody made the former Prime Minister sign the Revised Treaty of Chaguaramas. Why has the UNC unchanged its tune on the establishment of the Caribbean Court of Justice?”

Do you know why the UNC has changed its tune? In 2001, when the Attorney General and the Prime Minister said they would give support to the Caribbean Court of Justice, did they have any inkling of what would happen in this country, as far as the collapse of the judicial system is concerned? Did they have any inkling that the Chief Justice would be brought before a court and police would be outside his home trying to lock him up? Would they have thought that the Attorney General would have colluded with a number of people in trying to bring down the Chief Justice? They never foresaw that. This is stark reality in front of us; that the whole Judiciary system is in collapse and people have no confidence in the Judiciary system. People feel that they would not get justice. You expect us to support something which calls for the same political affiliation in the appointment of the CCJ as in Trinidad with the judicial system. There is no confidence here and, therefore there is no confidence in the Caribbean Court of Justice, because there is complete collapse and, therefore, we cannot have any confidence.

5.45 p.m.

To give you an example of the lack of confidence that we have now in the Judiciary in Trinidad and Tobago, a simple case, and I am quoting from the *Newsday*, Friday, May 09, 2008, “Bakr gets special leave to appeal” and it says:

“The Law Lords of the Judicial Committee have granted Imam Yasin Abu Bakr special leave, to appeal the decision by the Court of Appeal to strike and expunge from the record, the affidavit which set out the terms of a

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purported agreement between the Prime Minister and himself...” The application was heard yesterday morning and was granted forthwith by the board.”

That is the board of the Judicial Committee of the Privy Council.

“In 2005, the Attorney General filed an application in the High Court seeking to sell Bakr’s 11 properties.

In response, Bakr swore to an affidavit in June, 2006 from the Maximum Security Prison in Arouca, alleging that Prime Minister Patrick Manning agreed to waive the debt owed to Government in exchange for assistance with the PNM’s 2002 General Election campaign.

The AG filed an application on July 12, 2007 to strike out Bakr’s affidavit...

Following that Imam Bakr was denied leave to appeal to the Judicial Committee by the local Court of Appeal.

The new development now paves the way for the application for final leave before the Privy Council.

As a result, the Prime Minister may have to choose if he will answer the allegation contained in the affidavit, and subject himself to cross examination in the High Court...”

Hon. Member: [*Inaudible*]—would never have done that.

Mr. Speaker: Order!

Dr. T. Gopeesingh: Now this is the Judicial Committee of the Privy Council moving expeditiously to grant a stay to the applicant for leave, and they granted it forthwith, whereas the local Court of Appeal refused the stay. Similarly, in Mr. Panday’s case [*Interruption*] the local Court of Appeal refused the stay and they had to go to the Judicial Committee of Privy Council to get permission to go before the Privy Council. So when you have no confidence, even at the highest level in the Appeal Court, when the people are lacking the confidence in a simple matter like the Abu Bakr trial, how can we have confidence in a CCJ? [*Interruption*]

The second point I want to raise is the question of—even right here in the High Court the Chief Justice reassigns Piarco cases and lawyers want to know why.

“Lawyers representing the eight accused in the Piarco Airport corruption enquiry have written to the Chief Justice, Ivor Archie, seeking an explanation.”

This is not the UNC, this is not the Opposition; the people are trying to seek an explanation from the local Judiciary and from the Chief Justice as to what is happening in the courts, because they seem to be lacking the confidence.

Mr. Speaker, I understand that the Law Association is going to be meeting shortly to discuss this issue, because what has happened, they want to know why a constitutional Motion and four applications for judicial review were removed from the list of four judges and placed before Justice Nolan Beraux in Port of Spain High Court?

That letter was sent to the Chief Justice in April and there had been no reply up to May here, one of the attorneys said. So, it is not the UNC is saying alone that we do not have confidence in the judicial process in Trinidad and Tobago. Here it is that the Court of Appeal, the Judicial Committee of the Privy Council, moves expeditiously to grant a stay. Here it is the Chief Justice, coming in just a short period of time, moving cases from four independent judges and putting them in the hands of one judge. Does he not have confidence in the four judges? What has happened? The country needs an explanation for it and this is one of the reasons why we do not have the confidence in the Judiciary as we are supposed to have.

So if we do not have confidence in our own Judiciary in the High Court and in the Appeal Court, how can we have confidence in the Caribbean Court of Justice? [*Desk thumping*]

Hon. Member: Very good point.

Mr. Dumas: The man has appealed— [*Inaudible*]

Dr. T. Gopeesingh: I do not want to go on very much longer but permit me to move on to a few more points.

Yes, my colleague just handed me something, and it said the Law Lords were vexed. The Appeal Court takes three years to write a judgment and the Law Lords are vex, so you could imagine what is happening with the CCJ. So how can we support you on this CCJ?

The Member for Diego Martin North/East said that Mr. Maharaj, the former Attorney General and Mr. Panday, the former Prime Minister were wedded and committed not to continue with the CCJ in 2001, but they are now committed not to continue with the CCJ because of what is happening in Trinidad and Tobago and what is happening in the wider Caribbean. [*Interruption*]

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I just want to go to one more point here: Expenditure. Mr. Speaker, I think while we have the distinguished presence of the company of the hon. Prime Minister, it is a golden opportunity for him to tell this country and give this country an understanding of the amount of money Trinidad and Tobago has been giving to the Caricom region over a period of time, because it seems to be billions of dollars. We are taking away our hard-earned taxpayers' money and we are giving it away to our Caricom partners. Is there a reason and an explanation for it? And I will justify my comment—

[Mr. Manning raises hand]

Dr. T. Gopeesingh: —Prime Minister just hold on a bit, based on what I have before me here. Mr. Speaker, on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2007, Treasury Statements and Appropriation—this was just given to Parliament last week, I believe—a Caricom Trade Support Fund, Trinidad and Tobago has given \$36 million. Prime Minister, the next part is coming and you are totally responsible—Caricom Petroleum Fund. Do you know how much Trinidad and Tobago has given to the Caricom Petroleum Fund and it has turned right back around us?—\$682,272,800. This is in this book *[Dr. Gopeesingh holds up book]* under the Caricom Petroleum Fund.

Mr. Manning: *[Inaudible]*

Dr. T. Gopeesingh: Just let me finish the point and then you will respond. So that is \$682 million we have given to Caricom, under the Caricom Petroleum Fund and it has turned around now, the Caricom partners have gone with Chavez and they are taking oil and so on from Chavez and they have forgotten Trinidad and Tobago, so it seems as though we have given away this money. Then \$36 million to the Caricom Trade Support Fund, now another \$200 million equivalent, because it is 29.7 per cent of the trust fund under the CCJ and it is \$100 million, so to round it off it is US \$30 million, that is \$200 million to the Caricom Trust Fund. Then how much do we give to the Caricom region as a partner of the Caricom region? Because there is something called the automaticity of financing and it is based on vulnerability of the countries and the size of the countries, and the automaticity of funding always comes back to Trinidad as the major giver of funding.

Trinidad gave 29.7 per cent, Jamaica is giving 27 per cent, Barbados is giving 12 per cent and Guyana is giving 8 per cent in this Caricom Trust Fund. So, Prime Minister, 682 plus 36 plus 200, nearly \$1 billion, plus what we are giving to the Caricom region, so in 2007 alone we would have given over \$1 billion to the Caricom region over a period of time.

Mr. Manning: [*Inaudible*]

Dr. T. Gopeesingh: Well, you will have to tell us over what period of time and he will have to answer that.

Mr. Manning: Please, please?

Mrs. Persad-Bissessar: No, you did not give way when I asked you.

Dr. T. Gopeesingh: All right.

Mrs. Persad-Bissessar: He is kind.

Dr. T. Gopeesingh: I have a lot of respect for you although you are not running this country right.

Dr. Moonilal: I do not know why, but—[*Laughter*] Tim, you are very gracious.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Caroni East for giving way once again. I think it is important as he talks about Trinidad and Tobago's contribution to the Caribbean to say that in the year 2006, I think it was, Trinidad and Tobago was responsible for 85 per cent of all trade in the Caribbean area. Trinidad and Tobago dominates Caricom trade. It is most important, and what it means is that there is a significant flow of capital and money into Trinidad and Tobago, and the implications for that if you do not have reflows into the region, understand it. It is economics now, not medicine. Okay?

Dr. T. Gopeesingh: No, I understand economics.

Mr. Manning: Okay, good. [*Interruption*]

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Caroni East has expired.

Motion made, that the hon. Member's speaking time be extended by 30 minutes. [*Hon. P. Manning*]

Question put and agreed to.

Dr. T. Gopeesingh: Thank you very much, hon. Prime Minister. I feel very honoured that you stood up there to move my extension.

Mr. Manning: My pleasure.

Dr. T. Gopeesingh: It seems as though you are agreeing with what I am saying. [*Interruption*] [*Laughter*]

Mr. Manning: You are carrying it too far.

Dr. T. Gopeesingh: Mr. Speaker, there are just a few other points I wanted to touch on. *[Laughter]* Not for too long. I think I should wrap up pretty shortly.

Mr. Speaker: May I just remind you that at 6 o'clock we are doing a Motion.

Dr. T. Gopeesingh: All right. I could continue subsequently. I can hold you for the next four minutes. *[Laughter]* *[Interruption]*

[Mr. Manning stands to exit Chamber]

Dr. T. Gopeesingh: Mr. Prime Minister, sorry to see you leave at this time but thanks for staying here to respond to some of the questions we have asked.

Mr. Manning: If you will allow me? Mr. Speaker, you know we celebrated Secretaries' Week recently and in that context there is an engagement I have this evening and I would not like to keep the secretaries waiting, so I apologize very sincerely. No discourtesies meant, I assure you.

Mrs. Persad-Bissessar: I thought it was Mother's Day. *[Crosstalk]*

Dr. T. Gopeesingh: Mr. Speaker, before the Prime Minister goes I want to let the hon. Prime Minister know I had the pleasure of working with his father in the oil company in Petrotrin when his father used to ride the bicycle out of Petrotrin refinery.

Mrs. Persad-Bissessar: Much nicer.

Dr. T. Gopeesingh: That is before you were—

Dr. Moonilal: He had some things to say about you. *[Laughter]* *[Crosstalk]*

[Mr. Manning walks back to his seat]

Mr. Manning: Mr. Speaker, I acknowledge the fact that the hon. Member for Caroni East was exposed to culture at the highest level. *[Laughter]* I was hoping that by a process of the osmosis of propinquity *[Laughter]* certain things would have been transferred from one to the next, but regrettably that is not so. *[Laughter]*

Dr. T. Gopeesingh: Mr. Speaker, it was transferred from his father to me but unfortunately it did not transfer from father to son. *[Laughter]*

So, Mr. Speaker, when we come back to the whole Bill here, the question of security of tenure for judges under the CCJ—

Hon. Member: What Bill is it?

Dr. T. Gopeesingh: The Bill about the headquarters. The Member for Lopinot/Bon Air West indicated that there was no question [*Interruption*] about political interference in the appointment of judges. I just want to quote from the agreement establishing the Caribbean Court of Justice Caricom Bill, under Article V, Establishment of the Regional Judicial and Legal Services Commissions which says:

“The President who shall be the Chairman of the Commission,”

The President who shall be the Chairman of the Regional, Judicial and Legal Services Commission of the region.

But listen to this, Mr. Speaker, the Constitution of the court:

“...the Judges of the court shall be the President and not more than nine other judges of whom at least three shall possess expertise in international law including international trade law.

The number of Judges, excluding the President, may be increased by the Heads of Government, upon the recommendation of the Commission.”

So, who were the Heads of Government? Politicians, Prime Ministers. [*Interruption*] So, therefore the number of judges excluding the President—that is now one issue—may be increased by Heads of Government.

Two, notwithstanding the provisions of the Article: “the President may appoint one or more judges to determine interlocutory matters”.

Who appoints the President? The Heads of Government. And the next point:

“The President shall be appointed or removed by the qualified majority vote of three-quarters of the Contracting Parties on the recommendation of the Commission.”

Who are the contracting parties? The various governments and the Heads of the Government are the contracting parties, and the President shall be appointed or removed by the qualified majority vote of three quarters of these. So there are 14 countries, three-quarters of 14 is—

6.00 p.m.

Mr. Parsanlal: On a point of order. I just want to correct the record.

Mr. Speaker: You must identify your point of order.

Mr. Parsanlal: On a point of clarification. I made it abundantly clear that the judges and the president are appointed by the Caricom Heads of Government on

the recommendation of the Regional Judicial and Legal Services Commission. It cannot happen without that recommendation.

**CAPE Examination Papers
(Leakage of)**

Mr. Speaker: Hon. Members, earlier on I had granted leave to the hon. Member for Siparia to move a Motion of definite urgent public importance. I now call upon the hon. Member for Siparia. [*Desk thumping*]

Mrs. Kamla Persad-Bissessar (Siparia): Mr. Speaker, thank you very much. As we all know, on Sunday we will be celebrating Mother's Day, and like my good friend from Lopinot/Bon Air, I take this opportunity to wish all mothers in the House and, certainly, all mothers in this honourable Chamber a happy Mother's Day and to the national community as well. I raised that significant occasion as we approached Mother's Day, because at 6 o'clock this morning, I was receiving telephone calls from very concerned mothers. It is said that there is no greater gift and no greater blessing than being able to give and to bring forth life. It is one of the greatest blessings that we have. Therefore, as parents, especially as mothers, whatever touches our children and whatever impacts upon our children, we feel it in a very serious and strong way that it really hurts us when they are traumatized, when they are stressed out, and when they are in pain.

Mr. Speaker, as I said, this morning at 6 o'clock, I received phone calls, not only from mothers, but also from fathers with their children in tears at what was being broadcasted and publicized on the front page of today's *Express* newspaper which says: "Leaked CAPE test going for \$5,000—Exam papers for sale". The story inside tells us about "the Caribbean Examinations Council Advanced proficiency Communication Studies paper which was leaked in Trinidad at least a day before the exams were held".

Now, I would have thought that with such a headline coming out today, and the report that the Ministry of Education had knowledge of the leaked paper sometime during the course of yesterday morning—the report said that it was about 11.00 a.m. if that report is true, certainly, by this morning, and even from last night—I read this story last night on the Internet after midnight when the newspaper came out. This has been out in the public domain. There is information from the report that it was within the knowledge of the Ministry of Education—that we would have had a statement in the Parliament today on this matter that would seek to allay the fears of parents and children and also to alleviate the stress of parents and children.

If you read some of the comments, in response to that article and listened, as I said, to some of the parents who called on behalf of their children with their concerns about these leaked papers, and the fact that students had prior knowledge of an exam paper before they actually sat the exam—I just want to read from the *Express* newspaper—I would like to take one moment to congratulate the *Express* newspaper, because if they had not brought this story forward—Darryl Heeralal, the reporter, who would have done this investigative journalism to bring this to the public domain—we may not have known about it for quite some time.

Now, with that story, the first question should be: Is it true or is it not true? I think that is the first thing we need to know from the Minister. This is the allegation in the report. Was the paper leaked? Did students have foresight of the paper prior to going into the exam? That is the first question that needs to be answered. If that is so, I am saying that there was a duty, on the part of the Government, to have issued a statement at the earliest opportunity to deal with the fears and concerns.

The *Express* website is interactive. You can go to the site when there is a story and put in your comments, and these are the comments and the kind of pain that students are coming up with.

“This is an outrage! I am a student who sat this exam and this is the first time I am hearing about this ‘leak’ of the paper. Those perpetrators need to be found and the appropriate punishment should be applied because CHEATING is never an option. I am completely upset that I may have to repeat this examination!”

This was posted at 8.57 a.m. this morning in response to the story. Another one says:

“I am not doing that exam over. I haven’t seen the paper and I have other subjects to worry about now. Who would be so dumb...to see a Communication Studies paper beforehand? They are essays, not like you can actually study for them, you have to THINK. People need to stop doing rubbish.”

This was posted at 11.00 a.m. today.

“This is not a surprise. It is something that have been going on for...”
Some time now.

“The Exams could go on for all I care I am not doing it over.”

CAPE Examination Papers
[MRS. PERSAD-BISSESSAR]

Friday, May 09, 2008

these are some of the comments from students and others who have been logging on to the *Express* site expressing their comments with respect to this front page newspaper article.

As I said, the first thing is the trauma and the stress, and these are students who would have written that paper. If this is true—we are asking the Minister to confirm—then something has to happen. Is it that these students are going to have to re-sit this exam? Is it that all students would have to re-sit the exam? If it is that they have to do so, then we need to be told at the earliest opportunity.

If it is then that everyone does not re-sit the exam, some would have an unfair advantage. It is like a rock and a hard place in a sense. If everybody has to write it—you have students who are saying. Look, I have written this exam already, and I do not want to do it over. I do not want that stress and I do not want to go back to do it. On the other hand, if they are not to re-sit the exam in this situation, then some students would have had an unfair advantage having had knowledge of the paper beforehand. That is one of the issues there; the trauma and the stress. The feedback is right here and, certainly, from parents who have children who wrote the examination.

I know the Member for Caroni Central was amongst those parents who called me very early this morning. He said that his daughter was really in tears, because she had written that paper and really could not understand now what she would have to go through—the stress that they would have to face.

The second issue which arises is the fact that there are other CAPE examinations that are scheduled for this month. As you know, this is exam month. The month of May is exam month. There are several other subjects to be written. I understand that you have Maths, Physics, Chemistry, History and so forth to come in the very near future.

If it is that security was breached with respect to the Communication Studies paper, then the question obviously arises whether that security breach would obtain with respect to the other papers. So, students out there are saying, listen, they have breached security and this paper has been sold and so forth, so what about the other papers that they have to write. They have to go through the stress and trauma and prepare for those other papers and go and write them, and then they have to re-sit them all over again. This is cause for serious concern.

I want to read again here from one of the students who came online on the *Express* comment and it says:

“I am an upper six student of a prestige school in south Trinidad and since last year I have heard about CAPE paper leaks but this year I was

amazed with the rate at which students were getting these exams papers before the CAPE exams. With the use of technology via internet, the papers are spreading rapidly. I believe more students have that paper before the exams than those who don't. A boy at my school told his friends he wants to do medicine or engineering at UWI and he paid \$10,000 each a paper which is a total of \$40,000 to ensure he gets all ones to get through to UWI. Shockingly, he got financial support from his father in doing this. I know some students have already have access to all the science papers especially the prestige schools in south. And although students asked me if I wanted the paper \$100 each, I refused because at the end of the day I have a conscience and there is a God looking down at us and wondering if man doesn't fear judgment day anymore. I'm begging the Ministry of Education to please do something about this paper leak and rectify the problem before the other exams because there is going to be hundreds or even thousands of children with UNDERSERVED ones getting into well recognized tertiary institutions for undeserved courses which they had desired to pursue and when the workload is overwhelming, what would they do? BUY THE EXAM PAPER FROM LECTURERS!"

This was posted at 11.30 a.m. today. So, whilst we read about this happening, here is a student saying that she knows about papers being leaked from since last year. I am also hearing her saying that other papers are being leaked. So, the concern is very serious if it is that these other exams are being jeopardized. If they are not jeopardized, there must be some kind of assurance that could be given that these security breaches did not and would not happen with the other papers. Some kind of assurance has to be given.

I know that nothing is sure in life except that you will die, but I think the ministry owes the students and the nation a duty to tell what arrangements are in place to ascertain, firstly, whether there have been any other leaks. That is the first duty. If there have been, then do not even send the children to write that exam. You have to ascertain if there were other leaks and/or stop any further leakage.

Now, I understand the Minister is reported to have said—I am sure that she would be kind enough to tell us if this is, in fact, so—that the breach occurred outside the ministry's jurisdiction. I would be grateful if the Minister would explain what that means. Is it from the point of view of the printer, because the papers are printed in Barbados? If it is outside the jurisdiction of the ministry, my interpretation of that is that it came from persons who are not employed by the ministry.

The Minister further went on in this same article in the *Express* today and says:

“From all our information, none of our supervisors who were in receipt of sealed examination packages today, has reported a breach in those packages...”

I suppose that is what may be meant by “the jurisdiction of the ministry” and, therefore, the supervisors have not reported a breach, so something has happened outside. I am sure the Minister would be kind enough to tell us what she meant by “outside the jurisdiction of the ministry”. If it is outside or inside, it is still the duty of the Government and the ministry to ensure the integrity of these papers.

We talked about the integrity of the examination process. You know, the entire future of our children who are engaged in these exams depend on the integrity of exam results. They depend upon that integrity not being compromised in any way whatsoever. It is a very serious matter, because those qualifications are the ones that can take them further into tertiary institutions. If these results are compromised in any way; if they are jeopardized in any way; or if there are question marks about these CAPE results; then you are jeopardizing our children’s chances of accessing tertiary level education or even going out into the job world where: “Oh, you passed Communication Studies, do you know what? They had a leak on that. Oh, so you wrote in 2008, you know they said there were leaks for all the other papers like the Science papers and so forth.” You are compromising the integrity of a very vital asset, something that our children and students would have worked exceedingly hard to obtain and, therefore, we come back again to the measures and so forth that would be put in place.

I want to put on record and repeat that the UNC in government and the UNC in Opposition always took the position—when we went into government in 1995, we found this CAPE exam was being put forward by officials and so forth, and the UNC, in Cabinet and in Government and now outside of government, have maintained consistently that we did not and would not participate in CAPE. We did not feel it was the way to go, and this was one of the very reasons we were concerned. There were other reasons, but one of those reasons was the whole issue of compromising the integrity of the examination papers and results in the manner that has occurred.

As I said, there were other reasons, and that comes back into question now that this has happened. We were very concerned about the acceptability of CAPE to foreign universities. So, while our students would be applying—we all know the Minister of Science, Technology and Tertiary Education would tell us that we

do not have sufficient tertiary level places. Moves are afoot, challenges are there to go forward and increase the numbers of tertiary level places. So, we do not have enough university places, and some of the students would have to go abroad to access tertiary level education and, therefore, our concern was that this CAPE qualification which had replaced A Levels would put our students not at an advantage—they would not have a competitive advantage as they would have had if they had the GCE A Level passes. Those were other concerns we had with the CAPE. Now, that this has happened—as parents we are very concerned. As I said, the future of our children depends on the integrity of the process.

6.15 p.m.

I am seeing in the report that the breach was outside of the Ministry's jurisdiction. I therefore would like to ask the Minister, if it is outside the Ministry's jurisdiction, it therefore means that there is nothing the Ministry can do, is there anything the Ministry can do to prevent it from happening for the other papers? If it is outside the Ministry's jurisdiction, is it that the Minister has identified the source of the breach and therefore could confidently or categorically say this is outside the jurisdiction of the Ministry? It means that you have some knowledge and I trust, with due respect to the Minister—it is not like when the Prime Minister stood in this Parliament and said, "I know who Mr. Big is" years ago and up to today they still cannot arrest and charge "Mr. Big"—if you know it is outside the jurisdiction, who is it, what is it and what steps are being put into place in order to deal with that?

Finally, Mr. Speaker, you know it seems as though this Government cannot administer anything without corruption, because the selling of exam papers, a breach of the security, is corruption; that is corruption. For people to be talking about paying \$10,000 and \$5,000 for a paper. [*Interruption*] Do you have something to say? I am sorry, do you want to stand and say what you are saying?

Mr. Imbert: No, I cannot.

Hon. Member: Stabbed Rowley in the back. Backstabber!

Mrs. K. Persad-Bissessar: You cannot? [*Crosstalk*] You see the same kind of thing happening in UDeCott; the corruption in UDeCott, the Scarborough Hospital. Dr. Gopeesingh went through the list of them; all these issues of corruption.

So, in addition to the call made by my colleagues and others for a commission of enquiry into UDeCott; we are calling for an immediate enquiry into this breach of security with respect to the CAPE examination papers. When we talked today

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we spent a lot of time on this Caribbean Court of Justice, backward and forward. These are the reasons why we cannot have confidence in regional institutions.

We are of the region; I did most of my studies in the region; Barbados, Jamaica and so on; lived for many years outside in other Caribbean countries. I am a Caribbean person and therefore I uphold what we stand for as Caribbean people, but when things like this happen, these are the issues that undermine your confidence in the regional institutions. [*Desk thumping*] It is the same way when my colleague spoke about the CCJ, the lack of confidence in a regional institution, because these matters can happen.

Today, I ask, through you, Sir—this is not a finger—pointing exercise to say well, "hey, you leak paper and you leak paper and whoever leak paper". That is not what it is. I am here today, because of the concerns raised by parents— [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar:—both mothers and fathers, students, that they are very worried, very concerned about the integrity of the other examinations that will come with respect to the CAPE. Secondly, they are exceedingly concerned as to what is their status when it comes to the exam they have already written, if this is in fact true that there was a breach of security and papers were being sold.

I thank you very much, Mr. Speaker.

The Minister of Education (Hon. Esther Le Gendre): Mr. Speaker. I rise to respond to the hon. Member for Siparia, who raised as a matter of urgent public importance, the issue of a possible breach in the delivery of CAPE examinations yesterday.

The only thing we agree on is that this is indeed an urgent public matter, it is important and we agree that our prime concern is the parents and students who are involved in these examinations. Unfortunately, we on this side really do not have the luxury of dealing in hearsay from people on the Internet who do not identify themselves. As a responsible Government, we owe this country a debt of due diligence to investigate the reports we receive, to verify them and to take action when that action becomes necessary; it is really our duty.

So, immediate upon receipt of information that there was a suspected breach in the exam paper for Communication Studies, the Ministry of Education took several steps. First, to verify the report and so we obtained a copy of the alleged

paper and immediately worked through the night to compare it to the actual paper, which was sat that day. Given the fact that this paper was in the public domain, as far as we know, prior to the sitting of examinations and the fact that that particular paper bore close resemblance to the actual paper sat, we decided that further enquiry was necessary.

Mr. Speaker, we have a lot of skills in the Ministry of Education, but forensic examination is not one of them. We decided to call in both the police, as well as the Caribbean Examinations Council (CXC) to look into this matter. CXC, to their credit, responded immediately and I can read from a report issued by CXC last night at 7.19 p.m.:

"The Caribbean Examinations Council has been advised of the possibility of a breach in one of the 2008 CAPE examination papers. At this point, the Council is seeking to verify the accuracy of this report. If this report proves correct, the Council has established procedures for dealing with such situations. These procedures will be implemented immediately and communicated in a manner consistent with the policy on breaches in examinations. CXC takes this opportunity to reassure the public that every effort is made to ensure the security and integrity of its examinations are maintained."

Mr. Speaker, following our advice to CXC and our report to the police, we want to assure the public, parents and students alike, that the Ministry is in fact concerned about the way they feel and that any decision taken at the conclusion of this investigation will be in the best interest of the students.

I also wish to note that CXC is an independent regional body that is charged with the providing of assessments to the Government of Trinidad and Tobago in our education system. What this means is that, as indicated in that statement I just read from the Council, that the CXC is the only determinant of how the situation has to be resolved, whether students re-sit or not. That is not the prerogative of the Ministry of Education in Trinidad and Tobago. The Council has also assured us that they too have, as a primary concern, the interest of the students.

The CXC has told us that they want to ensure that the scores earned by students are based on merit, not by fraud, and that equal access and opportunity is afforded to all students sitting these examinations. We are both concerned about the reputation of the Council and integrity of the examinations process.

Mr. Speaker, what we done so far is that the CXC has launched a full investigation into the entire examinations process, ranging from their secure

printers outside of the region. They are also doing an internal examination and they are all focused on ensuring that such a situation does not recur.

The Ministry has already conducted a check, which has indicated that all of our supervisors who have conducted the examinations, which took place yesterday, reported no breaches in the process and maybe I should take some time to explain exactly what happens in the delivery of these examinations.

First of all, the CXC, as you know, exists outside of Trinidad and Tobago, they are headquartered in Barbados. The examinations are developed by the CXC and under secured conditions those examinations papers are sent to their external secure printers—not unlike the people who print bank notes—to prepare these examinations final scripts. The scripts are sealed in packages like this—[*Package shown*—not to worry, these are already set, they are extra papers—which carry secure numbering and they are also addressed directly to the test centres to be opened by the particular centres.

When these papers arrive in Trinidad and Tobago they are sealed in vaults, which are guarded 24 hours by security guards, in addition to a 24-hour camera surveillance system; in addition to fact that anyone going into that room must sign in and sign out of the particular room. The papers are subsequently delivered under secure conditions, directly to the exam centres in packages like these, which is impossible to tamper with, even though their technology appears to be very low, but there is no way you can open plastic and close it back in this exact fashion. These papers are opened in full view of the invigilators and the students and then they are distributed.

The Ministry has conducted a check, first of all, of all the packages, which were delivered, as well as all of the packages, which remained. The one I am holding up here is called an emergency pack so that we have extra papers in case—whatever happens. So, all our packets are intact and we are therefore able to account for every single packet distributed to Trinidad and Tobago, and it is under these circumstances that I suggested yesterday, when I had that information, that we were reasonably certain that if a breach occurred, it was not within our own jurisdiction.

However, the final arbiter of this will be the police, who have been called in, and the CXC that is conducting their own investigations. At the end of the day the reports will be brought together, there will be collaboration, I am sure, in future and a final report will be given as to what exactly occurred.

There has been a call for a commission of enquiry.

Mrs. Persad-Bissessar: I did not say a commission of enquiry.

Hon. E. Le Gendre: What did you call for?

Mrs. Persad-Bissessar: An enquiry.

Hon. E. Le Gendre: Well, a call for an enquiry. There is no need for an enquiry, we are capable of that and we launched it since yesterday; it is already under way. What we have done in addition to that, is that we have increased and revised our security arrangements for the storage and distribution of scripts at all future examinations. We do not send out papers in advance except for short periods in advance and these are under secure conditions. However, we are about to deal with the examinations for next week and what we are doing is revising and revamping all of the security arrangements around the papers for upcoming examinations.

We have been able to establish, among other things—and I do not want to say too much of this to compromise the investigations of the police service, but we do have information as to who the vendors of this paper were and we expect that the expertise of the Fraud Squad will determine the source of that breach wherever it exists.

6.30 p.m.

Mr. Speaker, what has occurred is really deserving of our strongest condemnation, and every effort would be made to ensure there is not a repeat of this. On behalf of the Ministry, I wish to assure parents, and students currently taking the CAPE at both levels, that the Ministry continues to work on their behalf to provide assessments that are fair and transparent in an environment that is free from anxiety.

I thank you.

CARIBBEAN COURT OF JUSTICE (HEADQUARTERS) BILL

Dr. T. Gopeesingh: Mr. Speaker, I am sure that the hon. Minister in her contribution just a while ago has not given any comfort. I am sure she would agree that the thousands of students awaiting some resolution to this problem were not given any comfort by her statement. [*Interruption*]

In closing my contribution in this debate, as far as the headquarters for the Caribbean Court of Justice (CCJ) is concerned, and all together the CCJ Bill, there have been other points made by the Member for Diego Martin East, in his usual diatribe of spewing garbage everywhere—[*Interruption*]

Mr. Speaker: Standing Order 36(4)—you are capable of better than that.

Dr. T. Gopeesingh: Thank you for the confidence, Mr. Speaker, and your concerns. *[Laughter]*

The final point is that side wants to get rid of the Privy Council. They say that they have confidence in the legal officers in the Caribbean to become members of the Judiciary of the Caribbean Court of Justice, but they bring all their lawyers from England to conduct their cases. *[Laughter]* What sort of confidence do they have in the local lawyers who ultimately should become part of judicial process of the CCJ?

If they are so strong about their commitment toward that CCJ and all that goes with it, we on this side would like to submit to them, if they are brave enough, they should call a referendum and let the people decide whether Trinidad and Tobago should go the way of the CCJ.

I beg to close. *[Laughter]*

Mr. Speaker: Perhaps he is anticipating.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, in accordance with Standing Order 33(3)(d), the Minister of Foreign Affairs not being in the country, as Leader of Government Business, I have assumed the responsibility to be the Member in charge of the Bill, and shall wind up the debate. *[Crosstalk]* *[Laughter]*

Mr. Speaker, there is very little to respond to. I will simply refer Members, in my very brief winding up, to the Bill itself. None of the Members opposite addressed the Bill.

The Bill has five clauses. Clause 1 is the Short title. Clause 2 is the interpretation clause that describes:

"'Agreement' means the Agreement Establishing the Caribbean Court of Justice, signed at Bridgetown, Barbados on the 14th day of February, 2001..."

It also describes the Court, Government, Headquarters Agreement, Offices of the Commission, Minister, which is the Minister responsible for Caribbean Community affairs, and:

"'Seat of the Court' has the meaning assigned to it in Article I of the Headquarters Agreement."

Clause 3 makes the money to be paid by the Government for the purpose of meeting the obligations of Trinidad and Tobago, under the Headquarters Agreement, a charge on the Consolidated Fund.

Clause 4, the operative clause, of which none of the Members opposite spoke, says:

"Notwithstanding any other written law, the Agreement shall have the force of law in Trinidad and Tobago."

So clause 4 incorporates the Agreement signed by Mr. B. Panday in Bridgetown, Barbados on February 14, 2001, into the domestic law of Trinidad and Tobago.

So the Bill merely recognizes the agreement signed by Mr. B. Panday in Bridgetown in February 2001, and seeks to incorporate that agreement, signed by the UNC government, into our domestic law.

That being said, there is nothing left to be said and, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mrs. Persad-Bissessar: I will like to propose an amendment to clause 5.

"The Minister may, by Order, subject to affirmative resolution of Parliament, amend the Schedule..."

You would have a minister, by order, making law, because any amendment to the Schedule if this stays as is. Since through clause 4 the Schedule has the force of law in Trinidad and Tobago, any amendments made by the Heads of Government would require simply an order put forward by the Minister.

I am of the respectful view that this should have parliamentary oversight. I am suggesting that we amend it to include, "by Order, subject to affirmative resolution of Parliament".

Mr. Imbert: Mr. Chairman, I regret to inform the Member for Siparia, that is what you agreed to when you signed the agreement in 2001.

Mrs. Persad-Bissessar: If you look at the Agreement signed in 2001, this Agreement was signed on February 23, 2005 by Minister Gift. If you look at page 16, which is Article X, you would see that:

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"The Government shall take such action as is necessary for the purpose of incorporating the provisions of this Agreement in the law."

So we are not stopping you from bringing amendments, but you should have parliamentary oversight, either by affirmative or negative resolution of Parliament.

Mr. Imbert: When the UNC signed the Agreement, not the Headquarters Agreement, you agreed to this procedure.

Mrs. Persad-Bissessar: What procedure, Sir?

Mr. Imbert: That once the Heads of Government make appropriate amendments, the Minister would make the amendments by order.

Mrs. Persad-Bissessar: No, no, no.

Mr. Imbert: That is standard in Caricom.

Mrs. Persad-Bissessar: That is not the standard. All those agreements say is that you could take the steps to make it part of the domestic law of the country. You cannot have a minister just signing an order in some back room somewhere. You could come and change anything in this; you could come and make an amendment to say, "Trinidad and Tobago shall pay \$3 million", and a minister just signs that off by order. We need parliamentary oversight. It does not stop the agreement.

Mr. Imbert: I understand what you are saying, but I regret to inform you that all our domestic legislation, which treat with Caricom agreements, has that standard form in it, including law that you passed.

Mrs. Persad-Bissessar: When we passed the Caribbean Court of Justice Bill in this House, which is not law, with this simple majority, this very clause was there, and we amended it to read exactly what I am saying now. So you have the parent agreement, which became law through the CCJ Bill, and became the Act; we amended that. This cannot work; a minister can do anything by order and no one in the world knows about it.

Mr. Imbert: I am advised by the draftsman that the Revised Treaty of Chaguaramas, signed by Mr. B. Panday has that form of words. [*Interruption*]

Mr. Speaker: Members, would anyone else want to contribute on this proposed amendment?

Mr. Maharaj SC: I just want to make sure; I cannot remember, but the point the hon. Member for Siparia made was that if in clause 4 you are making the

Agreement having the force of law, and clause 5 is giving the Minister the power to change the law, not subsidiary law, but to change primary law, it is something to look at. I do not think under the Constitution of Trinidad and Tobago, a minister has the power to amend law. The Parliament has the power to amend law. Therefore, if it is amended by a minister, it is subject to the approval of Parliament. I do not know what has been; I cannot dispute.

Mr. Imbert: I will give an undertaking now. I am advised by the official from the Attorney General's Office, who was involved in the drafting and is very knowledgeable about it, that this is the standard form of words in the revised Agreement that was signed by the previous administration. We are not agreeing to your proposal, but I will give an undertaking, which will go into the *Hansard* record, that we will check it, and if your recollection of events is correct, we will come back to the Parliament and make an appropriate amendment.

Mrs. Persad-Bissessar: In the meantime you could sign away \$3 million by order.

Mr. Imbert: Mr. Griffith is saying that the Caricom Act has this in it. *[Interruption]* We will be responsible.

Mr. Chairman, I know we are finished, but Mr. Griffith has found some evidence; it appears to be of probative value. I just want to assist the process, if you will allow me. *[Interruption]*

Mr. Chairman: The House will agree to revisit.

Mr. Imbert: Mr. Griffith has drawn to my attention Act No. 14 of 2005, which is the Association of Caribbean States (Headquarters) Act, debated in this House. Section 6 says:

"The Minister may, from time to time, by Order, amend the Schedule for the purpose of bringing the Headquarters Agreement into accord with any amendments made to the Headquarters Agreement under Article 44 thereof."

If you go to clause 5, let me read it:

"The Minister may, by Order, amend the Schedule for the purpose of bringing the Headquarters Agreement into accord with any amendments made thereto under Article XIV:2."

It is exactly the same.

Question put and agreed to.

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Clause 5 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

Mr. Maharaj SC: Mr. Speaker, concerning the Motions on the Adjournment, we have agreed to put them for next week Friday.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I beg to move that this House be now adjourned to Friday, May 16, 2008, at 1.30 p.m. We will be following the Order Paper: the Pensions (Amdt.) Bill and then on to the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill, if we have time.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.47 p.m.